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September 14, 2018

Bureau of Ethics and Campaign Finance
Tennessee Ethics Commission
404 James Robertson Parkway
Suite 104
Nashville, TN 37243

Re: Amendment to the Knox County Ethics Policy

To Whom It May Concern:

Pursuant to Tenn. Code Ann. § 8-17-104, please find enclosed for filing a certified copy of Resolution R-18-8-905 of the Knox County Commission updating the Code of Ethics for Knox County, Tennessee. This Resolution was approved by the Knox County Commission at its regularly scheduled meeting on August 27, 2018.

Thank you for your attention to this matter. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Richard B. Armstrong, Jr.
Knox County Law Director

RBA:jmr
Enclosure

RECEIVED
2018 SEP 17 AM 10:11
BUREAU OF ETHICS
& CAMPAIGN FINANCE



SHERRY WITT

KNOX COUNTY CLERK

"Dedicated to Serving You"

STATE OF TENNESSEE
COUNTY OF KNOX

I, Sherry Witt, Clerk of Knox County, Tennessee, do hereby certify that the attached is a true and correct copy of R-18-8-905 – A Resolution of the Commission of Knox County, Tennessee, approving an update to the Knox County Code of Ethics.

The same shall appear of record in the Commission Library in the office of the Knox County Clerk.

Witness my hand at office in Knoxville, Tennessee this 4th day of September, 2018.

A handwritten signature in black ink, appearing to read "Sherry Witt", is written over a horizontal line.

Sherry Witt, Knox County Clerk



RESOLUTION

A RESOLUTION OF THE COMMISSION
OF KNOX COUNTY, TENNESSEE,
APPROVING AN UPDATE TO THE
KNOX COUNTY CODE OF ETHICS.

RESOLUTION: R-18-8-905

REQUESTED BY: COMMISSIONER
SCHOONMAKER

PREPARED BY: KNOX COUNTY LAW
DIRECTOR'S OFFICE

APPROVED AS TO FORM
AND CORRECTNESS:

Richard B. Armstrong Jr.
DIRECTOR OF LAW

APPROVED:

Aug. 27, 2018
DATE

VETOED: _____

DATE

VETO

OVERRIDE: _____

DATE

MINUTE

BOOK _____

PAGE _____

WHEREAS, the Knox County Commission previously adopted a Code of Ethics for Knox County, Tennessee (the "Code of Ethics"); and

WHEREAS, various changes to the Code of Ethics have been recommended in the interest of clarity.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

The Knox County Commission hereby adopts and approves the updated Code of Ethics for Knox County, Tennessee as presented this date, a copy of which is attached to this Resolution and incorporated herein by reference.

BE IT FURTHER RESOLVED, that if any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

BE IT FURTHER RESOLVED, that this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

Randy Sount 8-27-18
Presiding Officer of the Commission Date

John O. AG 8-28-18
County Clerk Date

Approved: [Signature] 9/29/18
County Mayor Date

Vetoed: _____
County Mayor Date

KNOX COUNTY, TENNESSEE CODE OF ETHICS

Section 1. Definitions.

(1) "County" means Knox County, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, the county election commission, the county health department, and utility districts in the county; however, the Knox County Board of Education and all Knox County Schools administrators, teachers, and other employees are specifically excluded.

(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 elected official or employee of Knox County with responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before any discussion or vote on the measure and so it appears 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, said elected official or employee shall recuse him/herself from the discussion and/or vote on the matter. This provision shall not be applicable to voting on measures for reapportionment of districts or other measures that affect all members of the Knox County Commission.

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. It shall not be 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, regional, national, professional or employee association or organization of government officials or employees or by an umbrella or affiliate organization of said associations or organizations. It shall not be 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 charitable event sponsored by an established charitable organization or an event to benefit a charitable organization.

Solicitation or acceptance of gifts. No public officer, county employee, or candidate for nomination or election shall solicit or accept "anything of value," including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby. Further, no employee or public official shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee's household any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, or any other thing of monetary value from any person or entity that:

- has or is seeking to obtain, contractual or other business or financial relations with Knox County;
- conducts operations or activities that are regulated by Knox County; or
- has interests that may be substantially affected by the performance or non-performance of the person's official duties.

For the purposes of this section, the following do not constitute "anything of value":

- Payment by a governmental entity of salaries, compensation, employee benefits or authorized reimbursement of actual and necessary expenses;
- Campaign or political contributions that are received and reported in accordance with state law;
- Non-cash awards of nominal or trifling value publicly presented in recognition of public service;
- Gifts or other tokens of recognition presented by representatives of governmental entities or political subdivisions acting in their official capacities;
- Anything of value, regardless of value, when the item is offered to a governmental entity is accepted on behalf of the governmental entity and is to remain the property of the governmental entity;
- A gift given by a member of the public 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 or public official. In determining whether a gift falls within this subsection, the factors contained in TCA section 3-6-114(b) (3) (A) and (B) shall apply;
- Gifts received as a bequest or inheritance;

- Loans made in the ordinary course of a lender's business with prevailing rates and terms and which do not discriminate directly or indirectly against or in favor of an elected official or county employee because of such individual's status;
- Fees, expenses or income including those resulting from outside employment which are permitted and reported in accordance with state law;
- Payment by an employer or business other than a government entity of salaries, compensation, employee benefits, or authorized reimbursement of actual and necessary expenses when the payment is unrelated to a member's status as a public official or employee and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of an elected official;
- Unsolicited advertising material of nominal value;
- Food and refreshments of nominal value when they are part of the elected official or employee's participation in a charitable, civic, political or community event, which bears a relationship to the official or employee's office and the official or employee is attending in an official capacity;
- Food, refreshments, foodstuffs, entertainment and beverages provided as part of a meal or other event if the value of such items does not exceed fifty dollars (\$50) per occasion, with a limit of two (2) meals per day;
- Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater; or
- Informational materials in the form of books, articles periodicals, other written materials, audio and videotapes or other forms of communication.
- Entrance fees, food, refreshments, amenities, beverages and other gifts given to all participants in a charitable event sponsored by an established charitable organization or an event to benefit a charitable organization.

Salary and expenses. No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer as provided by law.

Misuse of public position. No public officer or county employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Disclosure or use of certain information. No public officer or county employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

Lobbying by former local officials – prohibition. A person who has been elected to any county office may not personally represent another person or entity for compensation before the governing body of which the person was an officer for a period of one (1) year after vacating that office.

Use of Government Property. No public official or employee shall make use of the facilities, equipment, personnel, or supplies of the county 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.

Process. All elected officials and employees of Knox County within thirty (30) days of these addendums going into effect must sign an employee acknowledgement stating they have received a copy of the policy, that they have either read the policy or have had it read to them, and that they agree to abide by the terms as a condition of their employment. In addition, prior to their employment, all new employees must sign the statement and agree to abide by its terms. Each employee will be given a copy of their signed statement. The original will be placed in the employee's official personnel file maintained by the respective department of Human Resources, by the constitutional officer, or authorized records custodian. Further, every elected official and employee shall attend an ethics in government program within six months of his or her employment with Knox County. Current officials and employees shall complete training within ninety (90) days. The training is to be provided by CTAS or other qualified agency or by the Knox County Department of Human Resources.

Section 5. Nepotism. No elected or appointed official or employee of Knox County shall advocate, recommend, supervise, manage or cause the employment, appointment, promotion, transfer, or advancement of his or her relative to an office or position of employment within the Knox County Government.

For the purposes of this policy, "relative" means parent, step-parent, foster parent, parent-in-law, child, step-child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, grandparent, son-in-law, daughter-in-law, grandchild or other related person that resides in the same household. A court-appointed legal guardian or an individual who is acted as a parent substitute is also included within this definition.

Section 6. Whistleblower Protection.

(a) Elected officials, employees and appointees are encouraged to report ethical violations via sworn complaint to the Ethics Committee pursuant to the Rules of Procedure.

(b) No Official, Employee or Appointee shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Ethics Committee facts relating to an ethics violation.

(c) No Official, Employee or Appointee shall use or threaten to use any official authority or influence to effect any action to retaliate against an Official, Employee or Appointee who reports, initiates a complaint, or otherwise brings to the attention of the Ethics Committee information relating to an Ethics Committee investigation or an ethics violation.

(d) Violations of this section may subject the offending person(s) to any and/or all of the penalties outlined in Section 7 of this Policy.

Section 7. Theft, Misappropriation or Mismanagement of County Funds

(a) All Knox County employees have a professional, legal, ethical and fiduciary duty to protect those public monies entrusted to them specifically and to Knox County Government in general.

(b) Knox County has a "zero-tolerance" policy regarding the theft, misappropriation, and/or mismanagement of funds entrusted to its employees.

(c) Knox County employees who steal, misappropriate, and/or mismanage funds or who aid and/or abet others to do so will be subject to criminal prosecution and/or dismissal from their employment with Knox County.

(d) Those County employees who fail to report those employees who steal, misappropriate, and/or mismanage funds shall be subject to criminal prosecution and/or dismissal from their employment with Knox County.

(e) Theft, misappropriation, and mismanagement of county funds are to be reported to the Knox County Fraud Hotline as provided under state law and are criminal offenses and shall not be under the jurisdiction of the Ethics Committee.

Section 8. Ethics Committee. There shall be a Knox County Ethics Committee (the "Ethics Committee") consisting of nine (9) citizen members. The Ethics Committee constitution, qualifications of members, terms of office, organization and other requirements shall be as follows:

- a. Members shall be citizens of Knox County and also registered to vote in Knox County.
- b. Members shall not be employees or elected officials of Knox County. In the event a member of the Ethics Committee submits a Candidate Nominating Petition to the Knox County Election Commission to be a candidate for an elected office in Knox County, then that member shall immediately resign as a member of the Ethics Committee.
- c. Members shall not be directly related (i.e., spouse, sibling, parent or child) to any elected official of Knox County.
- d. One (1) citizen member shall be appointed by the Knox County Sheriff, which appointment shall be spread of record on the minutes of a Knox County Commission meeting.

- e. Three (3) citizen members shall be appointed by the Knox County Mayor, which appointments shall be spread of record on the minutes of a Knox County Commission meeting.
- f. Five (5) citizen members shall be appointed by the Knox County Commission.
- g. The Knox County Mayor and the Knox County Sheriff shall appoint one (1) employee of their respective offices and the Knox County Commission shall appoint one (1) commissioner to serve as non-voting liaisons to the Ethics Committee.
- h. Members of the Ethics Committee shall serve staggered four (4) year terms. Members shall be permitted to serve only one (1) full four (4) year term regardless of who appoints the member. However, if no qualified person is interested in filling a vacancy, then a member shall be permitted to serve a second four (4) year term on the Ethics Committee. If a person is appointed to serve an unexpired term, this partial service shall not be considered a term.
- i. Any vacancy occurring on the Ethics Committee for an unexpired term shall be filled in the same manner as the original appointment.
- j. Notice of all vacancies on the Ethics Committee shall be published in a newspaper of general circulation.
- k. All Ethics Committee members shall participate in the ethics training held by the Knox County Department of Human Resources within 90 days of his/her appointment.
- l. The Ethics Committee shall convene as soon as practicable after November 1 of each year and elect a chair and vice-chair.
- m. The minutes and other records of the Ethics Committee shall be maintained by the county clerk and shall be filed in the office of the county clerk, where they shall be open to public inspection.

Section 9. Ethics Complaints. Questions and complaints regarding conflicts of interest shall be directed to the Knox County Law Director. Complaints shall be in writing, sworn to under oath in the presence of a notary public and signed by the person making the complaint, and shall set forth the provisions of this ethics code alleged to be violated and a reasonable detail of the facts personally known by the complainant upon which the complaint is based. Hearsay allegations are not considered to be facts supporting a complaint

Initially, the Knox County Law Director shall determine if the complaint meets these requirements and shall submit that determination to the Chair of the Ethics Committee within 10 days of receipt of the complaint. The Knox County Law Director may investigate any credible complaint against an official or employee charging a conflict of interest or the improper acceptance of gifts and other things of value, in return for a vote or based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby. The Ethics Committee may undertake an investigation on its own initiative when it acquires non hearsay information indicating a possible violation of those provisions in the Code of Ethics. If a member of the Committee is involved in the facts of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

If the Ethics Committee convenes a hearing pursuant to the Rules of Procedure, the Ethics Committee is charged to determine as follows, and nothing more:

- (1) Did the Respondent or the Respondent's spouse or child living in the same household, have a financial interest in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity?
- (2) Did the Respondent corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others?
- (3) Did the Respondent disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity?
- (4) Did the Respondent on behalf of himself or any member of his household, solicit or accept, directly or indirectly "anything of value," including a gift, loan, reward, gratuity, service, favor, food, entertainment, lodging, transportation, or promise of future employment, based upon any understanding that the vote, official action or judgment of the public

Upon final deliberation, the Committee may:

- (1) refer the matter to the Knox County Law Director 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 such action as the commission deems appropriate.

- (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;
- (5) take no action and dismiss the complaint as provided in the Rules of Procedure.

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, or criminal act, the violation shall be dealt with as a violation of the personnel or civil service provisions or criminal violation rather than as a violation of this Code of Ethics and shall be reported to the appropriate department or legal authority.

Section 10. 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 made applicable to counties, the provisions of that state law, to the extent they are more restrictive, shall control.

KNOX 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