

**CODE OF ETHICS
GILES COUNTY, TENNESSEE**

Section 1. Definitions.

- A. "County" means Giles 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; however, the Giles County Board of Education and all Giles County Schools administrators, teachers, and other employees are specifically excluded.
- B. "Officials and employees" mean 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.
- C. "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. This provision shall not be applicable to voting on measures for reapportionment of districts or other measures that affect all members of the Giles 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.

- A. **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:
- a. has or is seeking to obtain, contractual or other business or financial relations with Giles County;
 - b. conducts operations or activities that are regulated by Giles County; or
 - c. has interests that may be substantially affected by the performance or non-performance of the person’s official duties.
- B. For the purposes of this section, the following do not constitute “anything of value”:
- a. Payment by a governmental entity of salaries, compensation, employee benefits or authorized reimbursement of actual and necessary expenses;
 - b. Campaign or political contributions that are received and reported in accordance with state law;
 - c. Non-cash awards of nominal or trifling value publicly presented in recognition of public service;
 - d. Gifts or other tokens of recognition presented by representatives of governmental entities or political subdivisions acting in their official capacities;
 - e. 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;
 - f. 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;
 - g. Gifts received as a bequest or inheritance;
 - h. 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;
 - i. Fees, expenses or income including those resulting from outside employment which are permitted and reported in accordance with state law;
 - j. 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;

- k. Unsolicited advertising material of nominal value;
 - l. 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;
 - m. 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;
 - n. 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
 - o. Informational materials in the form of books, articles periodicals, other written materials, audio and videotapes or other forms of communication.
 - p. 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.
- C. **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.
- D. **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.
- E. **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.
- F. **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.
- G. **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.

- H. **Process.** All elected officials and employees of Giles 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 county Human Resources officer. Further, every elected official and employee shall attend an ethics in government program within six months of his or her employment with Giles 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 County Attorney.

Section 5. Nepotism.

- A. No elected or appointed official or employee of Giles 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 Giles County Government.
- B. 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 acting 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 Giles County employees have a professional, legal, ethical and fiduciary duty to protect those public monies entrusted to them specifically and to Giles County Government in general.
- B. Giles County has a "zero-tolerance" policy regarding the theft, misappropriation, and/or mismanagement of funds entrusted to its employees.
- C. Giles 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 Giles 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 Giles County.
- E. Theft, misappropriation, and mismanagement of county funds are to be reported to the Tennessee Fraud Hotline at <https://apps.cot.tn.gov/ants/submission/submit>. These are potentially criminal offenses and shall not be under the jurisdiction of the Ethics Committee.

Section 8. Ethics Committee. There shall be a Giles County Ethics Committee (the "Ethics Committee") consisting of seven (7) members. The Ethics Committee constitution, qualifications of members, terms of office, organization and other requirements shall be as follows:

- A. Five members shall be appointed to one-year terms by the County Executive with confirmation by the County Commission, to be appointed each year at the same time as the Commission's standing committees. At least three members of the committee shall be members of the county legislative body; one member shall be an elected 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.
- B. Two citizen members shall be appointed.
 - a. Citizen members shall be citizens of Giles County and registered to vote in Giles County.

- b. Citizen members shall not be employees or elected officials of Giles County. Likewise, citizen members shall not be officers of a Giles County political party. In the event a member of the Ethics Committee submits a Candidate Nominating Petition to the Giles County Election Commission to be a candidate for an elected office in Giles 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 Giles County.
 - d. Citizen members of the Ethics Committee shall serve staggered two (2) year terms. Members shall be permitted to serve only one (1) full two (2) 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 two (2) 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.
- C. One (1) citizen member shall be appointed by the Giles County Sheriff, which appointment shall be spread of record on the minutes of a Giles County Commission meeting.
- D. One (1) citizen member shall be appointed by the Giles County Commission, which appointment shall be spread of record on the minutes of a Giles County Commission meeting.
- E. Any vacancy occurring on the Ethics Committee for an unexpired term shall be filled in the same manner as the original appointment. Notice of all vacancies on the Ethics Committee shall be published in a newspaper of general circulation.
- F. All Ethics Committee members shall participate in ethics training, provided by the Giles County Human Resources officer within 90 days of their appointment.
- G. The Ethics Committee shall convene as soon as practical after November 1 of each year and elect a Chair and Vice-Chair.
- H. 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.

- A. Questions and complaints regarding criminal violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the Ethics Committee Chair, County Attorney, or County Executive; complaints initialized with

the Ethics Committee Chair or County Executive shall be forwarded to the County Attorney. 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.

- B. The County Attorney 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 County Attorney and Ethics Committee 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.
- C. 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.
- D. 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:
 - a. 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?
 - b. 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?
 - c. 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?
 - d. 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?

- E. Upon final deliberation, the Committee may:
 - a. Request assistance from the County Attorney for a legal opinion and/or recommendations for action;
 - b. In the case of non-criminal violation of an elected official, refer the matter to the County Commission for potential public censure per Section 10;
 - c. In the case of a non-criminal violation of an employee, refer the matter to the responsible Department Head for possible disciplinary action;
 - d. In a case involving potential violation of state statutes, refer the matter to the district attorney;
 - e. Take no action and dismiss the complaint as provided in the Rules of Procedure.
- F. 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. Rules of Ethical Conduct and Censure of Elected Officials: The following are non-criminal ethical breaches that are not statutory violations but are specific to Giles County and the high standards of conduct expected of elected officials. This section involves reasonable prohibitions that shall not be construed to encroach upon the free expression of political opinion. These non-criminal ethical breaches apply to all elected officials serving Giles County, with infractions potentially resulting in a publicized Letter of Censure.

- A. **Confidentiality Breaches:** When the county is involved in litigation, the divulging, sharing, or discussing of sensitive information with the media or litigants is prohibited without advance consultation and written permission from the county attorney. Sensitive information includes both physical and digital documents, data, or communications related to ongoing or potential litigation that is not expressly authorized for disclosure.
- B. **Abusive Language or Conduct:** The use of verbal harassment to include profane, discriminatory, threatening, or derogatory language, directed at colleagues, subordinates, or the public, thus creating a hostile work environment and/or bringing

discredit to county government.

- C. **Misuse of public position.** Use of one's official position to secure a special privilege, benefit, or exemption, financial or otherwise, for themselves or others.
- D. **Misrepresentation:** Knowingly and intentionally initiating false, deceptive, or misleading information of county business.
- E. **Unprofessional Conduct:** Other unethical or disreputable conduct that harms the county's reputation, or subverts a professional workplace climate, with malicious intent to damage reputation, which is counterproductive to the public good.
- F. **Adjudication:** Non-criminal ethics complaints will be adjudicated in the following manner:
 - a. Questions and complaints regarding violations of Section 10 of the Code of Ethics shall follow the procedures outline in Section 9 A-C.
 - b. The Ethics Committee has jurisdiction to investigate and determine the validity of the complaint. The Committee's review process and the identities of those reporting violations shall be kept confidential to the extent permitted by law.
 - c. If the Ethics Committee finds sufficient evidence of violation, it will present its findings to the Giles County Commission in an open-meeting. If in the opinion of the Ethics Committee a violation has occurred, the Committee Chair shall forward a Letter of Censure for Commission consideration.
 - i. A Letter of Censure is a written reprimand, recommended by the Ethics Committee and approved by a majority vote of the County Commission, to an elected official for violating non-criminal elements of this Policy.
 - ii. A Letter of Censure shall outline the specific violation(s), the evidence supporting the violation, and resultant negative impacts to the county. The censure does not remove the elected official or affect their legal rights and responsibilities. After the conclusion of the appeals process, the Letter shall be made available to the public in accordance with applicable state law.
 - d. Elected Officials receiving a Letter of Censure may appeal the decision to the Giles County Attorney within 10 days of receipt. Appeals will be reviewed within 10 days by an impartial appeals committee as determined by the Commission.

Section 11. 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 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 county purchasing commission, members of the county legislative body, and other officials of the county from having a direct interest in a contract or purchase order for supplies, materials, equipment, or contractual services used by or furnished to a 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.

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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, by rebate, gift, or otherwise, money or anything of value whatsoever, or a promise, obligation, or contract for future reward 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

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

GILES 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, add sheets as necessary):

Signature of official or employee

Witness Signature

Printed name of witness

**GILES COUNTY CODE OF ETHICS
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