

## CODE OF ETHICS

### Shelby County Emergency Communications 9-1-1 District of Shelby County Tennessee

#### **Section 1. Definitions.**

- (1) "Shelby County ECD" means the Shelby County Emergency Communications 9-1-1 District of Shelby County, which includes the board of Directors, and employees.
- (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.
- (4) "Prohibited source" means any person, business, entity or other organization that is seeking official action, decisions or performance or non-performance of an Official, or Employee. Nothing in this code of ethics prohibits an Official or Employee from conducting such Shelby County ECD business with, or voting or approving a matter involving, a lending institution whose lending activity is regulated by the state or federal government, solely because that Official or Employee conducts private business with the institution upon the same terms as those granted to the public generally and not otherwise in violation of this Code.

**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 discussion or 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, discussion or voting on the measure.

**Section 4. Acceptance of gifts and other things of value.**

- (a) This section shall apply to any Official or Employee who:
- (1) approves requests for proposals or bid solicitations, or selects, evaluates, or recommends for award or rejection any bid or request for proposal response, for the purchase of personal property, goods, or services, including construction contracts, or
  - (2) inspects off-site locations for any zoning, environmental, public health-related, construction code (building, existing building, mechanical, fuel, gas, or plumbing), or school, road, or other facilities construction, compliance mandated by state law, contract, agreement, or local ordinance.
- (b) Every Official or Employee subject to subsection (a) shall submit to the Ethics Officer of the County a statement of disclosure of interests on or before February 15 annually. The statement of disclosure of interests shall include the information for the spouse of the Official or Employee. The statement may be updated by an Official or Employee at any time.
- (c) The form of the statement of disclosure of interests shall be the same as the statement of disclosure of interests that candidates and elected officials must file with the Tennessee Ethics Commission.

An Official or Employee or their spouse or child living in the same household, shall not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the Shelby County ECD 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 Shelby County ECD duties.

An appointed official shall not accept any entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, beverages, or other items with a value in excess of \$200 in a calendar year from any Prohibited Source or single entity which conducts business with the Shelby County ECD. Excepted are meals and entertainment offered as part of events sponsored by public or quasi-public entities, community organizations, or non-profit charitable or educational organizations. Each Prohibited Source shall disclose, on a quarterly calendar basis in writing to the Ethics Officer, all gratuities that it has given to Officials or Employees during the preceding quarter.

Notwithstanding anything in this code to the contrary, an individual may accept any offer of items described in the previous two paragraphs regardless of value, provided that the same items are offered at the same time to the public generally or to the individual's same class of Officials or Employees. It shall not be necessary for a Prohibited Source to report items so offered and given.

## **Section 5. Ethics Complaints.**

### **(a) Ethics Commission**

A County Ethics Commission consisting of twelve (12) members and a chairman shall be appointed to two-year terms by the mayor with confirmation by the board of county commissioners. The membership of the Ethics Commission shall consist of not less than five (5) licensed attorneys of which three (3) shall be former judges of a court of record or general sessions court, in addition to eight (8) members from the broader community. The mayor shall insure that the diversity of the community is reflected in the membership of the Ethics Commission. The Ethics Commission shall have jurisdiction of all ethics complaints lodged against elected officials; appointees to boards, commissions, and authorities; the chief administrative officer; assistant chief administrative officer; division directors, deputy directors, chief administrators, administrators, and deputy administrators; chief deputy and assistant chief deputy sheriffs; and superintendent, deputy superintendent, assistant superintendent, chief financial officer, and chief of operations for the county school board. The records of the Ethics Commission shall be maintained at the direction of the chair and filed with the Ethics Officer, where they shall be open to the public.

### **(b) Ethics Officer**

The county attorney shall designate one attorney from his staff to serve as Ethics Officer to the Ethics Commission. This Ethics Officer shall provide legal advice and direction to the commission, and shall review all ethics complaints prior to those complaints being heard by the commission. Upon reviewing a complaint, the Ethics Officer may take no action, refer the matter to an appropriate officer or entity, or refer it to the Ethics Commission. The Ethics Officer shall also issue ethics opinions, verbally or in writing, at the request of any County elected official or department head.

### **(c) Ethics Training Required**

Every Official, Employee, and Appointee under the jurisdiction of the Ethics Commission shall undergo ethics training once per calendar year. It shall be the responsibility of the Ethics Officer to identify a reputable source for ethics training and make that training available locally on a quarterly basis. The Ethics Officer shall file a report with the Ethics Commission no later than December 31 of each year certifying that ethics training has been completed by the individuals under its jurisdiction.

### **(d) Duties of Ethics Commission**

The Ethics Commission shall investigate any credible complaint referred by the Ethics Officer charging a violation under this code of ethics by an Official, Employee, or Appointee in its jurisdiction. The Ethics Commission shall also hold public meetings on an on-going basis to educate the public about ethical behavior and practices by government officials; inform the public of the appropriate process for filing complaints;

make recommendations regarding possible rule or ordinance provisions relating to ethics; and maintain an on-going community discussion about ethical practices. The Ethics Commission is authorized to establish rules and regulations for the conduct of its activities.

(e) Filing Complaints and Hearing Procedures

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 Commission. Complaints against individuals shall be in writing and signed under oath by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

If the Ethics Officer refers a complaint to the Ethics Commission, he or she shall provide comments to the Ethics Commission as to its validity. Upon receiving a complaint, the Ethics Commission Chair shall select to hear it a panel of three members of the Ethics Commission.

Such panels will be selected on a rotating basis. Two of the three members of the panel, including the panel chair, shall be licensed attorneys. The panel may vote to dismiss the complaint if it determines that other remedies are being pursued in a more appropriate forum; that the allegations, even if true, would not constitute a violation of this code of ethics; that there is insufficient credible evidence supporting the allegations to warrant a hearing; or that dismissal without hearing is otherwise appropriate.

If the panel votes to hold a hearing, the panel shall set a hearing date within thirty days of the date the complaint is received. The date may be continued for good cause.

After a hearing at which all parties may be represented by counsel and put on witnesses and evidence, the panel shall determine if a violation of the code of ethics has occurred. If the panel finds that no violation has occurred, then the panel shall dismiss the complaint. If it is determined that a violation has occurred, then the panel shall submit its findings and recommendations to the appropriate elected official.

The Ethics Commission may dismiss the complaint, or may recommend one or more of the following:

- (1) in the case of an employee, that the employee's supervisor take disciplinary action in accordance with Shelby County ECD policy;
- (2) in the case of an Official, that the board of county commissioners publicly censure that official;
- (3) in the case of an Official, that an ouster suit be brought by the appropriate law enforcement official;

- (4) in the case of a possible criminal violation, that the appropriate law enforcement official prosecute.

Where the panel finds that an ethics violation resulted from a good faith mistake, it shall issue a warning rather than a recommendation.

(f) Penalties for frivolous complaints

- (1) It shall be a violation to submit a complaint to the Ethics Commission that has no genuine basis in fact.
- (2) The Ethics Commission may instruct the Ethics Officer to seek civil penalties to recoup the costs of hearing a frivolous complaint.

**Section 6. Whistleblower protection; abuse of process; complicity**

- (a) Employees and Officials are encouraged to report suspected ethical violations to the Ethics Commission.
- (b) No Official or Employee 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 Commission information relating to an ethics violation or investigation.
- (c) No Official or Employee 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 Commission information relating to an Ethics Commission investigation or an ethics violation.

**Section 7. 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 Officials and Employees in the performance of their duties. Officials and Employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

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

Conflict of interest - T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

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.

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.

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.

**SHELBY COUNTY EMERGENCY COMMUNICATIONS  
9-1-1 DISTRICT OF SHELBY 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 9-1-1 District. 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

**RESOLUTION NO. 08-02-07**

**TO ADOPT A CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF THE  
EMERGENCY COMMUNICATIONS 9-1-1 DISTRICT OF SHELBY COUNTY  
TENNESSEE**

WHEREAS, Section 103 of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Ex. Sess.), (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, the Emergency Communications 9-1-1 District of Shelby County desires to adopt the CTAS model of ethical standards as the Code of Ethics;

NOW THEREFORE, BE IT RESOLVED by the Emergency Communications 9-1-1 District of Shelby County Board of Directors meeting in session in Memphis, Tennessee, on this 2<sup>nd</sup> day of August, 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 the Emergency Communications 9-1-1 District of Shelby County.

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

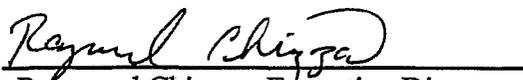
- (a) Mail a copy of this resolution to the State Ethics Commission; and
- (b) Mail a copy of this resolution and the attached Code of Ethics to each board member and employee of the District; and
- (c) Post a copy of the Code of Ethics on the public bulletin board in the District Office.

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

ADOPTED this 2<sup>nd</sup> day of August, 2007.

APPROVED:

  
Henry Brenner, Board Chairman

  
Raymond Chiozza, Executive Director

ATTEST:

August 2, 2007  
\_\_\_\_\_  
Date

August 2, 2007  
\_\_\_\_\_  
Date