

Ethics and the Tennessee Municipality



**UT** Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE

1

---

---

---

---


---

---

---

---

Agenda



1	What is ethics?
2	Tennessee Ethics Laws
3	Model Ethics Code

2

---

---

---

---

---

---

---

---

Agenda



1	What is ethics?
---	-----------------

3

---

---

---

---

---

---

---

---

Black's Law Dictionary

Ethics

Professionally right or benefitting; conforming to professional standards of conduct.



---

---

---

---

---

---

---

---

4



5

---

---

---

---

---

---

---

---

What is more important?



---

---

---

---

---


---

---

---

6

### Agenda



- 1 What is ethics?
- 2 Tennessee Ethics Laws

7

---

---

---



---

---

---

---

### Tennessee Ethics Laws

 <b>TCA</b> Statutes in effect prior to the 2006 Reform Act	 <b>Reform Act</b> Comprehensive Governmental Ethics Reform Act of 2006
---	---

8

---

---

---

---

---

---

---

### Pre-Reform Act Statutes

<b>1</b> OUSTER	<b>2</b> BRIBERY	<b>3</b> UNLAWFUL COMPENSATION	<b>4</b> OFFICIAL MISCONDUCT
<b>5</b> OFFICIAL OPPRESSION	<b>6</b> INSIDER INFORMATION	<b>7</b> AUDIT OFFENSES	<b>8</b> CONFLICT OF INTEREST

9

---

---

---

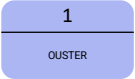
---

---

---

---

Pre-Reform Act Statutes



---

---

---

---

---


---

---

---

10

Ouster



---

---

---

---

---

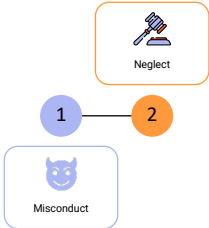
---

---

---

11

Ouster



---

---

---

---

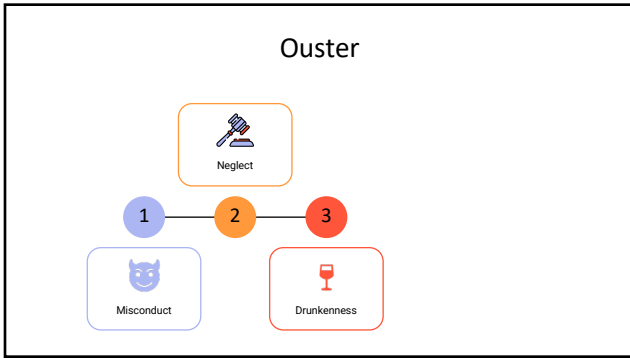
---

---

---

---

12



13

---

---

---

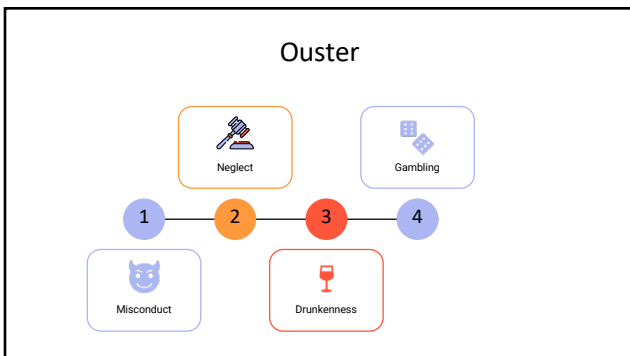
---

---

---

---

---



14

---

---

---

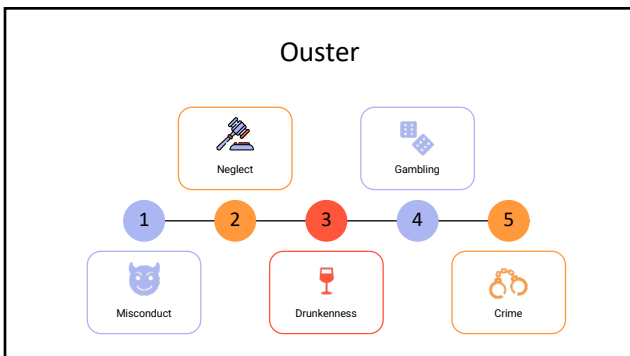
---

---

---

---

---



15

---

---

---

---

---

---

---

---

**Pre-Reform Act Statutes**

<b>1</b>	<b>2</b>
OUSTER	BRIBERY

16

---

---

---


---

---

---

---

---

**Bribery** 

<b>Offering</b>	<b>Public Servant</b>
Offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion or other action in the public servant's official capacity.	While a public servant, solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be influenced.

17

---

---

---

---

---

---

---

---

**A person commits an offense who:**

<b>Offering</b>	<b>Public Servant</b>
Offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion or other action in the public servant's official capacity.	While a public servant, solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be influenced.

18

---

---

---

---

---

---

---

---

Pre-Reform Act Statutes

1	2	3
OUSTER	BRIBERY	UNLAWFUL COMPENSATION

19

---

---

---

---


---

---

---

---

Unlawful Compensation



Being compensated for something you are already paid to do...

20

---

---

---

---

---

---

---

---

Pre-Reform Act Statutes

1	2	3	4
OUSTER	BRIBERY	UNLAWFUL COMPENSATION	OFFICIAL MISCONDUCT

21

---

---

---

---

---

---

---

---

### Official Misconduct

	A public servant commits an offense who, with intent to obtain a benefit or to harm another, intentionally or knowingly:
1	commits an act relating to the servant's office or employment that constitutes an unauthorized exercise of official power

---

---

---

---

---

---

---

---

22

### Official Misconduct

	A public servant commits an offense who, with intent to obtain a benefit or to harm another, intentionally or knowingly:
1	commits an act relating to the servant's office or employment that constitutes an unauthorized exercise of official power
2	commits an act under color of office or employment that exceeds the servant's official power

---

---

---

---

---

---

---

---

23

### Official Misconduct

	A public servant commits an offense who, with intent to obtain a benefit or to harm another, intentionally or knowingly:
1	commits an act relating to the servant's office or employment that constitutes an unauthorized exercise of official power
2	commits an act under color of office or employment that exceeds the servant's official power
3	refrains from performing a duty that is imposed by law or that is clearly inherent in the nature of the public servant's office or employment

---

---

---

---

---

---

---

---

24



### Official Misconduct

	A public servant commits an offense who, with intent to obtain a benefit or to harm another, intentionally or knowingly:
1	commits an act relating to the servant's office or employment that constitutes an unauthorized exercise of official power
2	commits an act under color of office or employment that exceeds the servant's official power
3	refrains from performing a duty that is imposed by law or that is clearly inherent in the nature of the public servant's office or employment
4	violates a law relating to the public servant's office or employment

25

---

---

---

---

---

---

---

---

### Official Misconduct

	A public servant commits an offense who, with intent to obtain a benefit or to harm another, intentionally or knowingly:
1	commits an act relating to the servant's office or employment that constitutes an unauthorized exercise of official power
2	commits an act under color of office or employment that exceeds the servant's official power
3	refrains from performing a duty that is imposed by law or that is clearly inherent in the nature of the public servant's office or employment
4	violates a law relating to the public servant's office or employment
5	receives any benefit not otherwise authorized by law

26

---

---

---

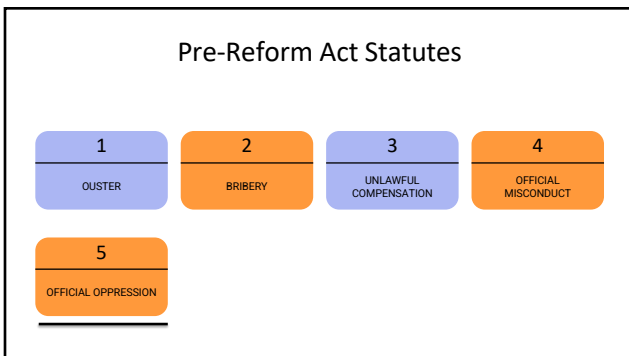
---

---

---

---

---



27

---

---

---

---

---

---

---

---

**Official Oppression**

**1** | subjects another to mistreatment or to arrest, detention, stop, frisk, search, seizure, etc. and the public servant knows such to be unlawful

28

---

---

---

---

---

---

---

---

**Official Oppression**

**1** | subjects another to mistreatment or to arrest, detention, stop, frisk, search, seizure, etc. and the public servant knows such to be unlawful

**2** | Denies or impedes another in the exercise of a right, privilege, power or immunity

29

---

---

---

---

---

---

---

---

**Pre-Reform Act Statutes**

<b>1</b> OUSTER	<b>2</b> BRIBERY	<b>3</b> UNLAWFUL COMPENSATION	<b>4</b> OFFICIAL MISCONDUCT
<b>5</b> OFFICIAL OPPRESSION	<b>6</b> INSIDER INFORMATION		

30

---

---

---

---

---

---

---

---

### Insider Information

Attaining or aiding another to attain a benefit using information that the public servant has access to that has not yet been made public.



---

---

---

---

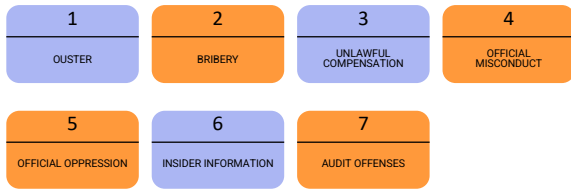
---

---

---

31

### Pre-Reform Act Statutes



---

---

---

---

---

---

---

32

### Audit Offenses



Knowingly misrepresenting material information related to an audit.

---

---

---

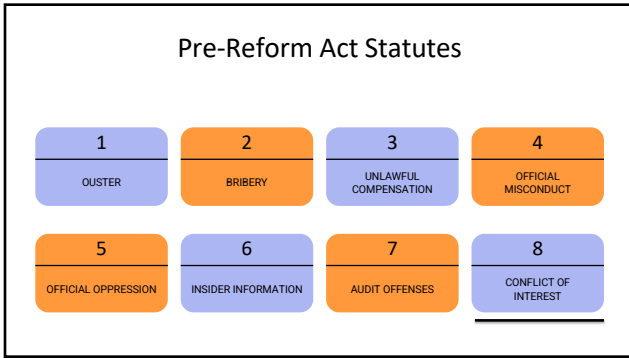
---

---

---

---

33



34

---

---

---

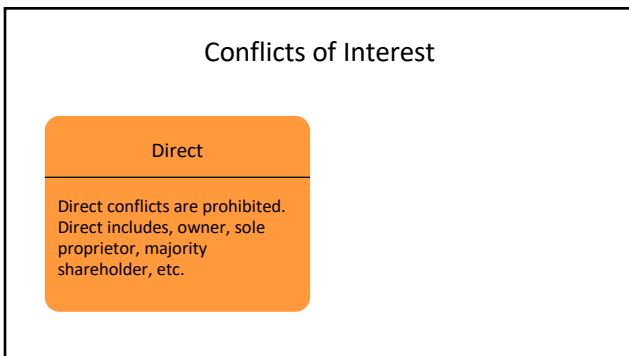
---

---

---

---

---



35

---

---

---

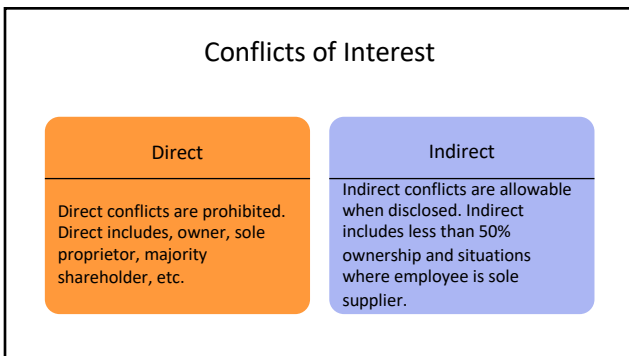
---

---

---

---

---



36

---

---

---

---

---


---

---

---

**Conflicts of Interest**

Statutes cover employees and officials who:

  
|  
vote for

---

---

---

---

---

---


---


---

37

**Conflicts of Interest**

Statutes cover employees and officials who:

  
|  
vote for

  
|  
let out

---

---

---

---

---

---


---


---


38

**Conflicts of Interest**

Statutes cover employees and officials who:

  
|  
vote for

  
|  
let out

  
|  
overlook

---

---

---

---

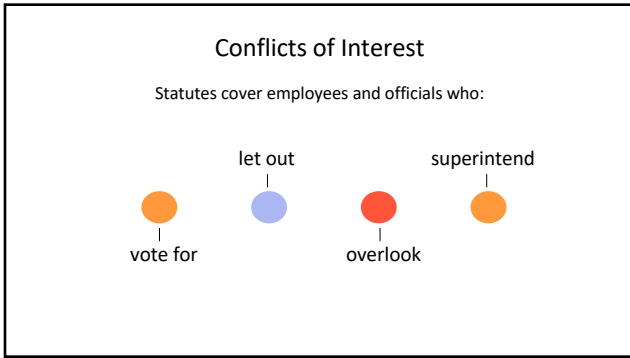
---

---

---

---

39



40

---

---

---

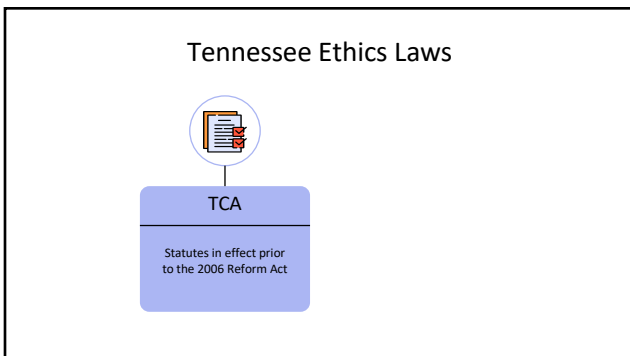
---

---

---

---

---



41

---

---

---

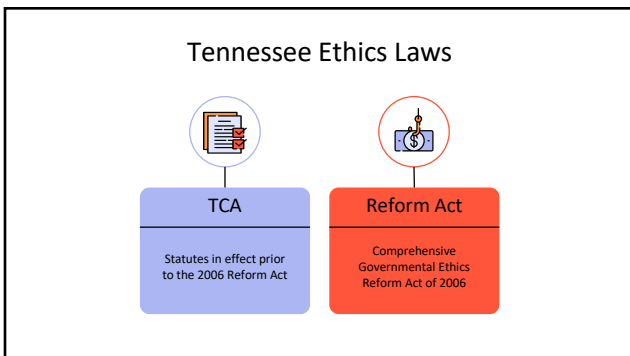
---

---

---

---

---



42

---

---

---

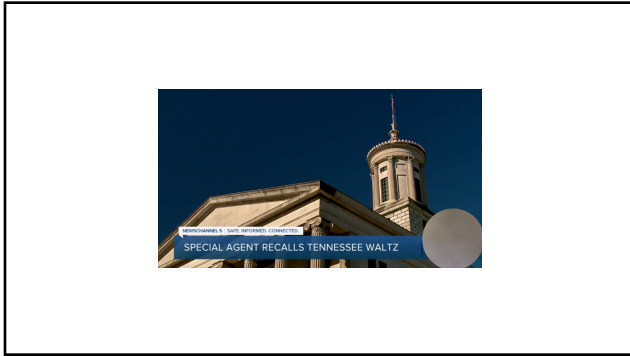
---

---

---

---

---



43

---

---

---

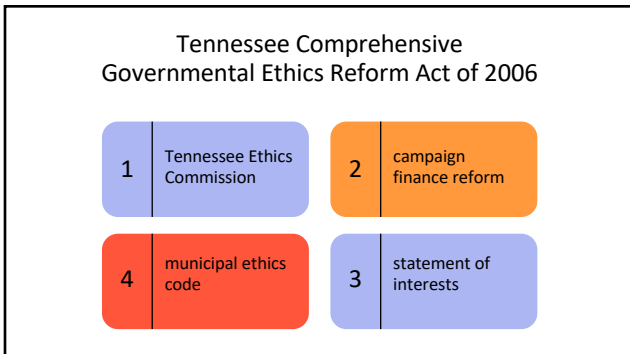
---

---

---

---

---



44

---

---

---

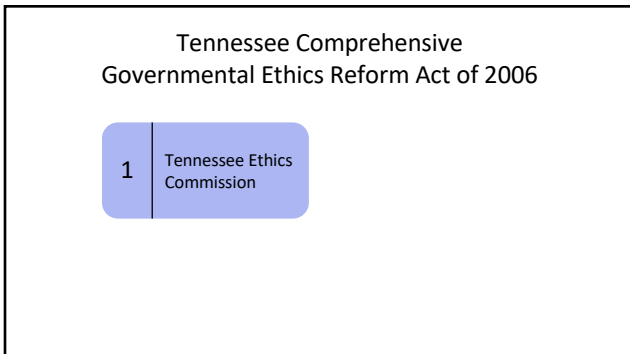
---

---

---

---

---



45

---

---

---

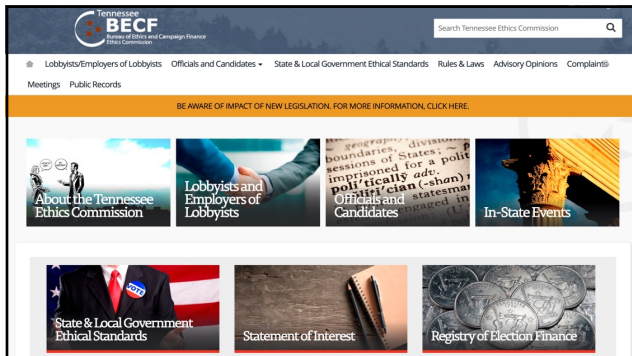
---

---

---

---

---



46

---

---

---

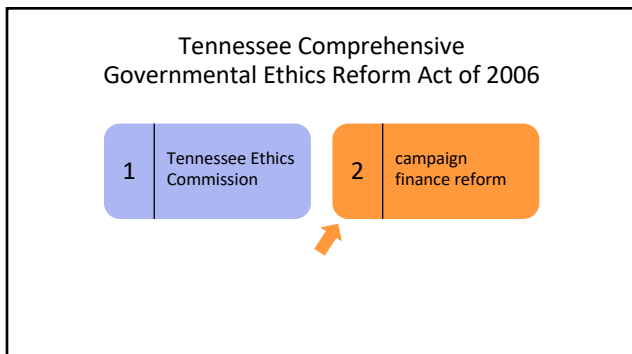
---

---

---

---

---



47

---

---

---

---

---

---

---

---

**CAMPAIGN FINANCIAL DISCLOSURE STATEMENT**  
**For State and Local Candidates**  
**For Single-Candidate Committees**

1. DATE OF REPORT	2.a. NAME OF CANDIDATE OR COMMITTEE			
2.b. IF COMMITTEE, NAME OF CANDIDATE			3. ELECTION DATE	
4.a. CAMPAIGN ADDRESS AND PHONE				
Street or Rural Route	City	State	Zip Code	Phone
4.b. CANDIDATE'S HOME ADDRESS (if different than 4.a.)				
Street or Rural Route	City	State	Zip Code	Phone
5. OFFICE SOUGHT (include district number, if applicable)		6. NAME OF POLITICAL TREASURER (may be candidate)		

48

---

---

---

---

---

---

---

---



2. Who must file Campaign Financial Disclosure Statements (CFD)?

**PROSPECTIVE CANDIDATES.** Any individual who receives contributions or makes expenditures (except for incidental expenditures) to determine if he or she will be a candidate for state or local public office is required to report to the appropriate agency. T.C.A. § 2-10-102(3).

**ANNOUNCED CANDIDATES.** Any individual who has made a formal announcement of his or her candidacy for a state or local elected public office or who has formally qualified to seek election to public office in a primary or general election in Tennessee is required to report to the appropriate agency. T.C.A. § 2-10-102(3).

**CANDIDATES EXEMPTED.** A local candidate may be exempt from the Campaign Financial Disclosure Act's requirements if he or she is seeking a public office for which the service is part-time and for which the compensation is less than one thousand dollars (\$1,000) per month. This exemption does not apply if the public office being sought is that of a chief administrative officer or if the candidate spends more than one thousand dollars (\$1,000) seeking election to the public office. T.C.A. § 2-10-101(b).

---

---

---

---

---

---

---

---

49

### Campaign Finance Reform

Pursuant to the Campaign Contribution Limits Act of 1995, T.C.A. 2-10-301, et seq., there are limits on how much money that a person or a PAC may contribute to a candidate's campaign per election and how much money that a candidate may accept for an election from a person or PAC. Those dollar limitations are based on the office sought by the candidate. Those limits are as follows:

OFFICE Sought	PERSON	PAC	TOTAL CONTRIBUTIONS FROM PACS (EXCLUDES POLITICAL PARTY PACS)	DETAIL CONTRIBUTIONS FROM POLITICAL PARTY PACS
Local, and other State Candidates <sup>1</sup>	\$1,600	\$8,300	\$126,600	\$33,900

For purposes of dollar limitations, a primary election, general election, run-off election or special election are each considered a separate election with separate contribution limits. For example, a candidate for state house in the August primary election could accept \$1,600 from John Doe, and if a runoff election is required, the candidate could accept another \$1,600 from John Doe for the runoff election. Further, if the candidate is successful in the runoff election and also runs in the general election, he/she could accept another \$1,600 from John Doe for the general election.

---

---

---

---

---

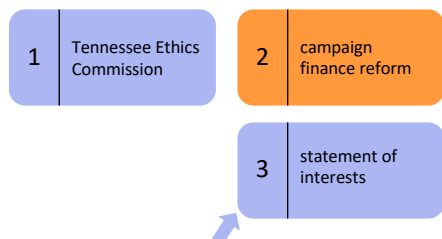
---

---

---

50

### Tennessee Comprehensive Governmental Ethics Reform Act of 2006




---

---

---

---

---

---

---

---

51

**STATEMENT OF INTERESTS**  
**State and Local Office Holders, Candidates**  
**and Appointees to Such Positions,**  
**Non-General Assembly Members**  
 Tennessee Bureau of Ethics and Campaign Finance  
 404 James Robertson Parkway, Suite 104  
 Nashville, TN 37243  
 (615) 741-7959  
[Ethics.Counsel@tn.gov](http://Ethics.Counsel@tn.gov)

This form must be filed with the Tennessee Ethics Commission.  
 Please see the attached instructions before completing this form. The failure to timely and properly submit the required disclosure statement can, under T.C.A. § 3-6-205, result in the imposition of civil penalties in amounts up to ten thousand dollars (\$10,000). Attach additional pages as necessary. Note that this disclosure statement must be signed and the signature attested to by a witness in item 13. In addition, please be aware that the information listed on this statement will be transferred to an electronic format for posting on the Commission's website, pursuant to T.C.A. § 8-8-501(d)(3).

1. Name of Official or Candidate: \_\_\_\_\_  
 2. Home Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

---

---

---

---

---

---

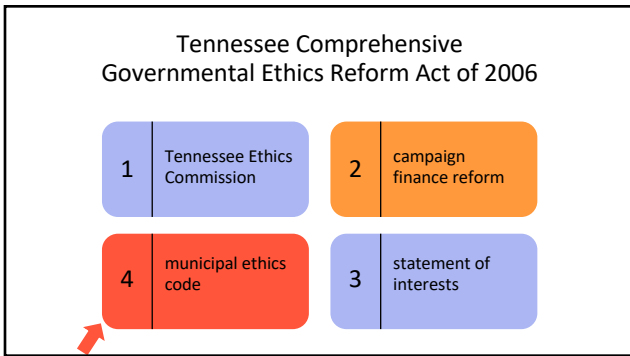
---

---

---

---

52




---

---

---

---

---

---

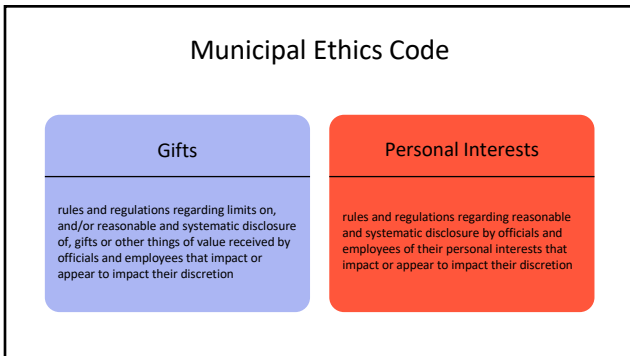
---

---

---

---

53




---

---

---

---

---

---

---


---

---

---

54

### Agenda



- 1 What is ethics?
- 2 Tennessee Ethics Laws
- 3 Model Ethics Code

55

---

---

---

---

---

---

---

---

### Model Municipal Ethics Code

T. C. A. § 8-17-105

**§ 8-17-105. Ethical standards models; filing**

Currentness

(a) The municipal technical advisory service (MTAS) for municipalities, the county technical assistance service (CTAS) for counties, and the Tennessee School Boards Association (TSBA) for school districts, in order to provide guidance and direction, shall disseminate models of ethical standards for officials and employees of those entities. The models shall be filed with the commission. Any municipality, county or school district that adopts the ethical standards for officials and employees of local government or school districts promulgated by MTAS, CTAS or TSBA is not required to file the policy with the commission but shall notify the commission in writing that the policy promulgated by MTAS, CTAS or TSBA was adopted and the date the action was taken.

The municipal technical advisory service (MTAS) for municipalities,

56

---

---

---

---

---

---

---

---

### Model Municipal Ethics Code

T. C. A. § 8-17-105

**§ 8-17-105. Ethical standards models; filing**

Currentness

(a) The municipal technical advisory service (MTAS) for municipalities, the county technical assistance service (CTAS) for counties, and the Tennessee School Boards Association (TSBA) for school districts, in order to provide guidance and direction, shall disseminate models of ethical standards for officials and employees of those entities. The models shall be filed with the commission. Any municipality, county or school district that adopts the ethical standards for officials and employees of local government or school districts promulgated by MTAS, CTAS or TSBA is not required to file the policy with the commission but shall notify the commission in writing that the policy promulgated by MTAS, CTAS or TSBA was adopted and the date the action was taken.

shall disseminate models of ethical standards for officials and employees

57

---

---

---

---

---

---

---

---

## Model Municipal Ethics Code

T. C. A. § 8-17-105  
§ 8-17-105. Ethical standards models; filing  
Currentness

(a) The municipal technical advisory service (MTAS) for municipalities, the county technical assistance service (CTAS) for counties, and the Tennessee School Boards Association (TSBA) for school districts, in order to provide guidance and direction, shall disseminate models of ethical standards for officials and employees of those entities. The models shall be filed with the commission. Any municipality, county or school district that adopts the ethical standards for officials and employees of local government or school districts promulgated by MTAS, CTAS or TSBA is not required to file the policy with the commission but shall notify the commission in writing that the policy promulgated by MTAS, CTAS or TSBA was adopted and the date the action was taken.

---

---

---

---

---

---

---

---

58

### CHAPTER 5 CODE OF ETHICS

#### SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations and penalty.



---

---

---

---

---

---

---

---

59

### Applicability

Applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality.

---

---

---

---

---


---

---

---


60

### Personal Interest




**Definition**

- revolves around financial ownership or employment interest
- your interest or close family



**Vote**

- Disclosure of personal interest by official with vote



**Non-Voting Matters**

- Disclosure of personal interest in non-voting matters

61

---

---

---

---


---

---

---

---

The head for your department has noticed employee morale could use a boost. She wants to host a team building event and asks you to book a banquet at her brother's restaurant.



62

---

---

---

---

---

---

---

---

**Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(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 might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

63

---

---

---

---

---

---

---

---

It is the holiday season and you have driven the public works street division truck in this neighborhood for the last 10 years. Everyone here is so kind and offers homemade treats such as cookies and candies in December to show their appreciation.



I feel ashamed not accepting these goodhearted gestures.

64

---

---

---

---


---

---

---

---

A police officer and fireman save a child from a burning wreck. Members members of the community drop off a restaurant gift certificate for these two city employees.



65

---

---

---

---

---

---

---

---

### Use of Information

<b>confidential</b>	<b>financial gain</b>
may not disclose any information obtained in official capacity or position of employment that is made confidential under state or federal law except as authorized by law	may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity

66

---

---

---

---

---

---

---

---

Code of Ethics	
	Other Provisions
1	Use of municipal time, facilities, etc.
2	Use of position or authority
3	Outside employment

---

---

---

---

---

---


---

---

67

**Uber**

A perk of your employment is that you are allowed to drive your city-assigned vehicle home.



To make a little extra money, you have decided to drive for Uber Eats. You generally pick up and drop a delivery on your way home.

---

---

---

---

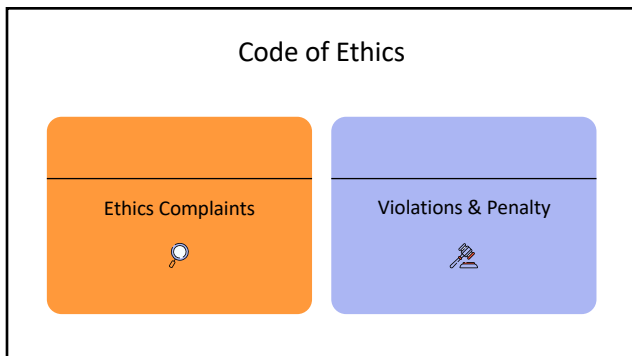
---

---

---

---

68



---

---

---

---

---

---

---

---


69

**THANKS!**

Do you have any questions?

abner.oglesby@tennessee.edu  
615.733.0602

mtas.tennessee.edu

 Municipal Technical  
Advisory Service  
INSTITUTE FOR PUBLIC SERVICE

---

---

---

---

---

---

---

70