

ACKNOWLEDGEMENT OF ETHICAL RULES  
FOR MEMBERS OF BOARDS, AGENCIES, AND COMMISSIONS

**General Information**

As a member of a board, agency, or commission, you are subject to ethical rules set forth in the Code of Laws of the Metropolitan Government of Nashville and Davidson County. A brief synopsis of the ethical rules is provided below for general reference purposes only. You should not rely upon the synopsis in lieu of the actual rules set out in the Metropolitan Code.

**Synopsis**

- You shall not participate in making or influencing any Metropolitan governmental decision or action in which you know that you have any material financial interest distinguishable from that of the public generally or from that of other Metropolitan officers or employees generally.
- If you have a conflict of interest in connection with any official matter, you shall disqualify yourself from further participation in the proceeding.
- You shall not represent any person or firm before the board or commission on which you serve.
- You shall not personally participate in a decision in a matter if you are in negotiation concerning or have an arrangement concerning prospective employment with a person or organization which has a financial interest in a matter under consideration by the Metropolitan Government.
- You shall not give the impression that any person can improperly influence, or unduly enjoy your favor in, the performance of your official duties, or that you are unduly affected by the kinship, rank, position or influence of any person.
- You shall not use or disclose, other than in the performance of your official duties or as may be required by law, confidential information gained in the course of or by reason of your position.
- You shall not accept or solicit any promise of any benefit, direct or indirect, to yourself, family members, or your employer (if the employer is other than the Metropolitan Government) which you believe was intended to influence action taken in your official capacity.
- You shall not use for personal gain, or for the gain of any family member or employer, information pertaining to the Metropolitan Government which is not a matter of common knowledge, or use your position to secure information about any person or entity for any purpose other than the performance of your official responsibility.
- You shall not use your Metropolitan Government position improperly to secure unwarranted privileges or exemptions for yourself, relatives or others.
- Except as provided in Metropolitan Code section 2.222.020(n), you shall not provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, action, or determination from the metropolitan government.
- You shall not accept or solicit, for personal financial gain, any benefit that might tend to influence you to act improperly in the discharge of your official duties.

- You shall not accept or solicit bribery, and you shall promptly report to the district attorney or other investigative authority, any attempts made to bribe you or any other employee.

**Metropolitan Code Provisions**

**2.222.010 - Definitions for standards of conduct.**

For the purposes of this chapter:

- (1) "Anything of value" includes any financial benefit, or other item that is pecuniary or compensatory in value to a person, including, but not limited to, any valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these items will be conferred in the future.
- (2) For purposes of the foregoing definition, the following do not constitute part of "Anything of Value:"
  - (a) Payment by a governmental entity of salaries, compensation, employee benefits, or authorized reimbursement of actual and necessary expenses; or payment by an employer or business other than a governmental entity of salaries, compensation, employee benefits, or authorized reimbursement of actual and necessary expenses, when the payment is unrelated to an employee's status as a public official or employee and is not made for the purpose of influencing, directly or indirectly, the official action or decision of any such employee; or
  - (b) Fees, expenses, or income, including those resulting from outside employment which are permitted and reported in accordance with applicable law; or
  - (c) Anything if received for the lawful exchange of consideration unrelated to the employee's position with the metropolitan government that is at least equal in value to the item or act conferred or performed; or
  - (d) Campaign or political contributions that are received and reported in accordance with state law; or
  - (e) Hospitality extended for a purpose wholly unrelated to the official business of any governmental entity; or
  - (f) Non-cash awards of nominal or trifling value publicly presented in recognition of public service; or
  - (g) Gifts or other tokens of recognition presented by representatives of governmental entities or political subdivisions acting in their official capacities; or
  - (h) Anything of value, regardless of the value, when the item of value is offered to a governmental entity, is accepted on behalf of the governmental entity, and is to remain the property of the government entity; or
  - (i) Commercially reasonable loans made in the ordinary course of a lender's business in accordance with prevailing rates and terms, and which do not discriminate directly or indirectly against or in favor of an employee because of such individual's status as a metropolitan government employee; or
  - (j) Complimentary copies of trade publications; or
  - (k) Reasonable compensation for a published work that did not involve the use of a governmental entity's time, equipment, facilities, supplies, staff, or other resources, if the payment is arranged or paid by the publisher of the work; or reasonable compensation of a published work that did involve the use of a governmental entity's time, equipment, facilities, supplies, staff, or other resources, if the payment of the compensation to the public official or employee is lawfully authorized by a representative of the governmental entity who is empowered to authorize such compensation; or
  - (l) Any payment, gift, or other transfer of value which is

- unrelated to and does not arise from the recipient's position as a metropolitan government employee, and if the activity or occasion for which it is given does not involve the use of a governmental entity's time, equipment, facilities, supplies, staff, or other resources in any manner or degree that is not available to the general public; or
- (m) Anything received as a devise, bequest, or inheritance; or
- (n) Gifts received that are unrelated to a person's position as a metropolitan government employee
- (o) Food and/or beverages that would not be prohibited under section 2.222.020(s)(2).
- (3) "Belief" or "believes" denotes that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.
- (4) "Direct interest" shall have the same meaning as defined in T.C.A. 12-4-101, et seq. and 6-54-107, et seq.
- (5) "Employee" means 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 Metropolitan Government of Nashville and Davidson County.
- (6) "Indirect interest" shall have the same meaning as defined in T.C.A. 12-4-101, et seq. and 6-54-107, et seq.
- (7) "Material" or "materially" means something that a reasonable person would consider important in assessing or determining how to act in a matter.
- (8) "Reasonable" or "reasonably" when used in relation to conduct by an employee denotes the conduct of a reasonably prudent and competent public servant.
- (9) "Source" means an individual, entity, or group of individuals or entities reasonably believed by the employee to be affiliated for purposes of contact with the employee. A registered lobbyist shall be a "Source" separately as well as deemed affiliated with each of the lobbyist's clients.
- (10) "Value" means the nominal face amount of the customary charges paid or assessed for the same product, access, or service by non-employees, exclusive of sales taxes, gratuities paid to others, and (as to charitable fund raising events) the deductible portion of the nominal cost. (Amdt. 2 to Ord. BL2007-1382 § 3, 2007; Ord. BL2007-1382 § 3, 2007)

**2.222.020 - Standards of conduct.**

Employees:

- a. Shall not accept or solicit, for personal financial gain, any benefit that might reasonably tend to influence them to act improperly in the discharge of their official duties;
- b. Shall not accept or solicit bribery;
- c. Shall promptly report to the district attorney or other investigative authority any attempts made to bribe the employee or any other employee;
- d. Shall not accept or solicit any cash of any amount, other than in compliance with election campaign laws and fully reported pursuant to same, irrespective of the intent of the payor, if such payment or solicitation is in any way directly or indirectly related to the employee's position in the metropolitan government;
- e. Shall not accept or solicit anything of value as herein defined, except for the acceptance of food and/or beverages that would not be prohibited pursuant to subsection s. of this

section;

f. Shall not accept or solicit any promise of any benefit, direct or indirect, to himself, family members, or his employer (if the employer is other than the metropolitan government) which the employee believes or should reasonably believe was intended to influence action taken in the employee's official capacity;

g. Shall not receive or use for personal purposes any property, services or funds of metropolitan government unless authorized by law;

h. Shall not use for personal gain, or for the gain of any family member or employer, information pertaining to metropolitan government which is not a matter of common knowledge, or use his or her position to secure information about any person or entity for any purpose other than the performance of official responsibility;

i. Shall not use their metropolitan government positions improperly to secure unwarranted privileges or exemptions for themselves, relatives or others, provided, however, that this provision does not preclude employees from acting in a manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;

j. Shall not participate in making or influencing any metropolitan governmental decision or action in which they know that they have any material financial interest distinguishable from that of the public generally or from that of other metropolitan officers or employees generally;

k. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person;

l. Shall not use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions;

m. Shall not violate the direct or indirect conflict of interest, consulting, lobbying, or any other requirements of state law existing or which may be adopted regulating the conduct of municipal or county officials or employees;

n. Shall not provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, action, or determination from the metropolitan government. This restriction does not apply to members of the metropolitan council or members of metropolitan government boards and commissions if the employment is the member's primary source of income and if the member discloses his or her interest and complies with this Code and state law with regards to conflicts of interest;

o. Shall not accept other employment or engage in outside activities which might impair their independent judgment in the performance of their public duty;

p. Shall not personally participate in a decision in a matter if the employee is in negotiation concerning or has an arrangement concerning prospective employment with a person or organization which has a financial interest in a matter under consideration by or within the jurisdiction of the metropolitan government. For purposes of this subsection, the term "decision" shall mean a decision, approval, disapproval, recommendation, investigation or rendering of advice, and the term "matter" shall include but not be limited to a matter, proceeding, application, request for ruling or

determination, contract or claim which involves the metropolitan government.

q. Shall not personally represent or appear in behalf of the private interest of another before the metropolitan council, or any board or department of the metropolitan government; or, if the represented person's interest is adverse to that of the metropolitan government, represent any person:

(1) In any quasi judicial proceeding involving the metropolitan government; or

(2) In any judicial proceeding to which the metropolitan government is a party;

(3) Provided, that nothing in this subsection shall preclude:

(i) An employee from speaking or appearing without compensation before the council or any board or department on their own behalf;

(ii) An employee from representing his or her personal interests consistent with state law and this Code;

(iii) An employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding;

(iv) An employee who is a lobbyist registered pursuant to Chapter 2.196 of the Metropolitan Code from representing or appearing before the metropolitan council, or any board or department of the metropolitan government on behalf of the interests of the person(s) or organization(s) for which the employee is lobbying.

(v) A member of a metropolitan government board or commission who is a licensed attorney from representing or appearing on behalf of the private interest of another, provided the client's interests are not adverse to or pertain to the board or commission the attorney serves on.

(vi) A member of the metropolitan council from appearing before any board, commission, agency, or department of the metropolitan government to express the opinions and/or wishes of his/her constituents, provided the member of council is not acting in a representative capacity and does not receive anything of value for appearing before such board, commission, agency, or department.

r. If disclosure statements are required to be filed by the employee in accordance with this chapter, shall not fail or refuse to file in a timely manner all disclosure statements and reports, which statements and reports shall include all material information reasonably required to be included and shall not omit any material information reasonably necessary to make such reports complete and meaningful;

s. If related in any way, directly or indirectly, to being an employee:

(1) Shall not accept meals, beverages, food, promotional items, or hand-produced items of a value in excess of twenty-five dollars received from a single source in any calendar year; and

(2) Shall not accept free or discounted admissions, tickets, access to events or travel expenses from any single source of an aggregate value in any calendar year in excess of one hundred dollars, provided that an employee may accept from the sponsoring organization, on behalf of himself and a guest, free or discounted admissions, tickets or access of a face value in excess of one hundred dollars if the event is generally recognized as an annual fund raising benefit sponsored by a non-profit organization.

**Acknowledgement**

I have read, or have had read to me, the above synopsis of Metro Government's ethical rules for members of boards, agencies, and commissions. I have also read, or have had read to me, sections 2.222.010 and 2.222.020 of The Code of The Metropolitan Government of Nashville and Davidson County, Tennessee, containing Metropolitan Government's ethical rules for members of boards, agencies, and commissions.

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Nominee

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Date