



Where community comes first.

Board of Commissioner Application

Please complete application in its entirety and attach a separate sheet if necessary.

Completed applications may be forwarded to:

First Utility District of Knox County Commissioner Nominating Committee

P.O. Box 22580 ▪ Knoxville, TN 37933

Name _____

Home Ph. _____ Work Ph. _____ Cell Ph. _____

Home Address _____

ELIGIBILITY CRITERIA

- 1. Is applicant at least eighteen years of age? Yes No
- 2. Does applicant reside within FUD's service area or is the applicant a customer of FUD? Yes No

CONFLICT OF INTEREST CONSIDERATIONS

Tennessee law prohibits a member of the Board of Commissioners of FUD having a direct interest in contracts for goods and services with FUD. A direct interest exists when FUD has personal contract with a Commissioner or has a contract with a business in which the Commissioner is the owner, a partner, or one having a controlling interest in the business. A controlling interest exists when a Commissioner owns a larger percentage of the business than any other owner.

Tennessee law prohibits a member of the Board of Commissioners of FUD having an indirect interest in contracts for goods and services with FUD unless the Commissioner publicly acknowledges this indirect interest. An indirect interest means any contract in which the Commissioner is financially interested but not directly so. When a Commissioner is directly interested in a contract but is the sole supplier of such goods or services within Knox County, the Commissioner is considered to have an indirect interest.

FUD has adopted a Code of Ethics for its Commissioners and employees, which includes conflict of interest provisions. A copy of this Code of Ethics is attached to this Application.

APPLICANT CONFLICT OF INTEREST

- 1. Does the applicant own, have an interest in, or work for a business, which maintains a business relationship with FUD other than the purchase of utility services? YES NO
- 2. If the answer to question 1 above was yes, please describe in detail the nature of the business and applicant's relationship with the company doing business with FUD.

PREVIOUS ADDRESSES

List all addresses within last ten years

PROFESSIONAL EXPERIENCE

Include employer, address, title, dates of employment, duties, or any other significant information

EDUCATION (list all addresses within last ten years)

Include name of school(s), dates attended, degrees or certificates received

BOARDS AND COMMUNITY SERVICE

List all past and present affiliations, dates, position held, etc.

AWARDS AND ACHIEVEMENTS

MISCELLANEOUS

Personal attributes, qualifications, or aspirations relevant to service on FUD's Board of Commissioners

STATEMENT OF APPLICANT

I wish to be considered as one of the three nominees submitted by First Utility District of Knox County for appointment to a four-year term as a FUD Commissioner beginning _____. I acknowledge, by my signature below, that I meet the eligibility requirements listed above and if I am selected for this position by County Mayor, I will accept this appointment as a FUD Commissioner.

Signed this ____ day of _____, 20_____.

Signature of Applicant

Code of Ethics and Conflict of Interest

An employee may not: (1) solicit, accept or agree to accept a financial benefit, other than from the District, that might reasonably tend to influence his or her performance of duties for the District or that he or she knows or should know is offered with intent to influence the employee's performance; (2) accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties; (3) accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the District; (4) solicit, accept or agree to accept a financial benefit from another person in exchange for having performed duties as a District employee in favor of that person.

DEFINITIONS

Board of Commissioners means the governing board of the utility district.

Officials and Employees means and includes any official, whether elected or appointed, officer, employee or servant (whether compensated or not) of the District.

Personal Interest means, for the purpose of the 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.

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 to 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 voting on the measure.

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 Board of Commissioners. 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.

ACCEPTANCE OF GIFTS AND OTHER THINGS OF VALUE

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the District:

- 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 a reasonable person would understand was intended to influence the vote, official action or judgment of the official or employee in executing District business.

ETHICS COMPLAINTS

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 President of the Board of Commissioners of the Utility District. If a question or complaint involves the President of the District's Board, the question or complaint involves the President of the District's Board, the question or complaint should be directed to the Secretary of the Board of Commissioners. Complaints shall be in writing and signed by the person lodging the complaint and shall set forth in reasonable detail the facts upon which the complaint is based.

The President or Secretary of the Board of Commissioners shall direct the District's retained attorney to investigate any credible complaint against an official or employee charging any violation of this Code of Ethics and may request a legal opinion or recommendation for action. The District's attorney may request the Board of Commissioners to hire another attorney to conduct the investigation or to give legal opinion or recommendation when he or she has or will have a conflict of interest on a particular complaint. The investigating attorney shall report the results of his or her investigation and any legal opinion or recommendation requested to the District's Board of Commissioners. If a member of the Board of Commissioners is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such a complaint.

The Board of Commissioners may:

- 1) in the case of a member of the Board of Commissioners, publicly censure such member if the Board of Commissioners finds such action warranted;
- 2) in the case of a member of the Board of Commissioners, report the complaint and actions taken by the Board to the Utility Management Review Board;
- 3) in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted; or
- 4) in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution.

The interpretation of reasonable person in the circumstances shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics constitutes a violation of a District's personnel policy, the violation shall be dealt with as a violation of the personnel policy rather than as a violation of this Code of Ethics.

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 utility district 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 laws concerning ethics for utility district officers and employees. 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 disclosures of indirect financial interest in that contract, purchase or work, and it requires disclosures of indirect financial interests by public acknowledgement.

Conflict of interest disclosure statements — T.C.A. §8-50-501 and the following sections require candidates and appointees to local public offices who are elected 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.

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.

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. §29-16-403 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 our conduct that is punishable by ouster from office, including misconduct in office and neglect of duty.

Personnel not to benefit from water service agreements — T.C.A. §7-82-310 prohibits utility district commissioners and employees from receiving money or other goods or services of value for the installation of water service within the District or the sale of materials to be installed within the District.