

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY CLERK.
4. CITY MANAGER.
5. CITY ATTORNEY.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Regular meetings.
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- 1-103. Quorum.
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- 1-106. Resolutions and ordinances to be written and seconded.
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- 1-109. Method of voting on ordinances.

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: art. IV, § 4.

Composition: art. IV, § 1.

General powers: art. II, § 1.

Qualifications: art. IV, § 3.

Quorum: art. IV, § 9.

Vacancies in office: art. IV, § 7.

1-110. Method for placing items on the agenda.

1-111. [Repealed.]

1-101. Regular meetings. The city council shall meet in two (2) regular monthly sessions on the second and fourth Mondays of each month in the year or at such other convenient monthly meeting dates as may be fixed by said city council. Both meetings shall be held at 3:00 p.m.

The meeting room for the city council shall be the Cleveland Municipal Building at 190 Church Street, N.E., except for the regular meeting held on the second Monday in September in any calendar year where a city election has occurred in August of that same calendar year.

For those meetings held on the second Monday in September in any calendar year where a city election has occurred in August of that same calendar year, the meeting room shall be the Cleveland Bradley Regional Museum, also known as the Museum Center at Five Points, located at 200 Inman Street East, or such other location as the city council may establish by ordinance. (1981 Code, § 2-16, as amended by Ord. of 11/12/02; Ord. #2011-31, Jan. 2012; and Ord. #2014-30, Aug. 2014)

1-102. Adjourned meetings; extra sessions. The city council shall have the power to adjourn a regular meeting of the city council to such time as they may designate. The mayor or 3 members of the council may direct the city manager, in writing, to call a special meeting of the city council. The written direction to the councilmen shall state the object or purpose of the meeting. The city manager shall call the meeting for no earlier than 24 hours following the receipt of his written notice from the mayor/or council members and shall provide public notice and a written notice of the meeting to the mayor and all members of the city council. Only business stated in the notice of this called meeting can be transacted in the called meeting. (1981 Code, § 2-17, modified)

1-103. Quorum. A majority of all members of the city council, excluding vacancies, shall, at all times, constitute a quorum for the transaction of all business, but a smaller number may adjourn from day to day. (1981 Code, § 2-18, modified)

1-104. Order of business before city council. The minutes of the preceding meeting shall be read at each meeting unless the clerk shall, at least forty-eight (48) hours prior to each meeting, submit to the city council a written copy of said minutes and a majority of the entire council agrees to waive the reading of said minutes; and after the same have been acted upon, the following order shall be observed in the transaction of business:

- (1) Hearing petitions and communications.
- (2) Consent agenda.
- (3) Unfinished business.

- (4) Reports of council members.
- (5) New business and ordinances. (1981 Code, § 2-21, as replaced by Ord. #2003-32, Nov. 2003)

1-105. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1981 Code, § 2-23, modified)

1-106. Resolutions and ordinances to be written and seconded. All resolutions and ordinances shall be reduced to writing, and distributed to the council before or at the meeting in which they are introduced and debated. (1981 Code, § 2-24, modified)

1-107. Discussion by council to be limited. No council member shall be allowed to speak more than twice on the same ordinance, resolution or motion, without the consent of the majority of the council. (1981 Code, § 2-25, modified)

1-108. Requirements for passage of motions, resolutions and ordinances. It shall only be necessary for motions and resolutions to be passed one (1) time; all ordinances shall pass by a majority vote of the members present and voting at two (2) separate meetings. However, at least twelve (12) days shall have lapsed between the first and final passage of any ordinance. (1981 Code, § 2-26, modified, as replaced by Ord. #2011-15, Sept. 2011)

1-109. Method of voting on ordinances. In the passage of ordinances the clerk shall call the roll of the council members, and they shall vote, via voice, except when directed by the mayor to vote by public ballot. Also, upon the request of any member, the vote shall be taken by public ballot. Council members shall sign their respective public ballot and all public ballots taken by the council shall be open for public inspection. (1981 Code, § 2-27, modified)

1-110. Method for placing items on the agenda. (1) The mayor, any councilmember, or the city manager may have any item placed on the agenda for either a work session or a meeting by notifying the city clerk by noon on the Tuesday before the work session or meeting of the subject matter and all attachments which will be presented to the city council as part of the request. The city clerk shall include this information in the agenda packet for the city council. No item may be added to the agenda after this deadline except by the affirmative vote of at least a simple majority of those councilmembers present.

(2) Any citizen wishing to address the city council at either a work session or a meeting on a matter not on the agenda, must notify the city clerk

by noon on the Tuesday before the work session or meeting of the subject matter and provide all attachments which will be presented to the city council as part of the address. The city clerk shall include this information in the agenda packet for the city council. No presentations may be made to the city council at a work session or meeting unless the presenter has complied with the provisions of this subsection. However, the city council, by the affirmative vote of at least a simple majority of those councilmembers present, may agree to hear the matter. (as added by Ord. of June 1998)

1-111. [Repealed.] (as added by Ord. of June 1998, and repealed by Ord. of 8/13/2001)

CHAPTER 2

MAYOR¹

SECTION

1-201. Powers and duties.

1-202. Declaration of state of emergency - line of succession.

1-201. Power and duties. The mayor shall preside at all meetings of the city council at which he is present, and in his absence, the vice-mayor shall preside, and in the absence of the mayor and vice-mayor, the city council shall designate one of their number to preside. The mayor shall be the ceremonial head of the city. The mayor shall have a voice but no vote, and shall have veto power over all actions of the city council except the appointment of a vice-mayor, the appointment to fill a vacancy on the city council, or the declaration of a vacancy. The mayor must exercise said veto within five (5) days of final adoption by the city council. He shall notify each council member, if available, of his actions, together with his reasons therefor within the five (5) day period. The council shall have thirty (30) days or until the next regular council meeting, whichever comes first, to override said veto. It shall require an affirmative vote of at least five (5) members of the council to override the mayor's veto. Abstentions shall be counted neither as a yes or a no vote.

1-202. Declaration of state of emergency - line of succession.

(1) Pursuant to the Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004, codified at Tennessee Code Annotated 58-88-101, et seq., the mayor may declare a local state of emergency for the City of Cleveland by execute order consistent with and governed by the provisions of Tennessee Code Annotated 58-2-110(3)(A)(v).

(2) In the event the mayor is ill, out of town, or otherwise unavailable to act, then the vice-mayor is hereby given the power to declare a local state of emergency consistent with Tennessee Code Annotated 58-8-104.

(3) In the event the mayor and vice-mayor are both ill, out of town, or otherwise unavailable to act, then the city manager is hereby given the power to declare a local state of emergency consistent with Tennessee Code Annotated 58-8-104.

¹Charter references

Compensation: art. IV, § 4.

Duties: art. IV, § 6.

Oath: art. IV, § 8.

Vacancy in office: art. IV, § 7.

(4) In the event the mayor, vice mayor and city manager are all ill, out of town, or otherwise unable to act in the event of an emergency, then either at-large city council member is hereby given the power to declare a local state of emergency consistent with Tennessee Code Annotated 58-8-104. (as added by Ord. #2004-46, Jan. 2005)

CHAPTER 3

CITY CLERK¹

SECTION

- 1-301. Appointment, compensation, and specific requirements, powers and duties of office.
- 1-302. Shall keep minutes.
- 1-303. Shall be custodian of public records, bonds, etc.
- 1-304. Shall provide and certify copies of records, papers, etc.
- 1-305. Shall generally supervise and keep records of fiscal affairs.
- 1-306. Shall be treasurer.
- 1-307. Shall perform any other duties imposed.
- 1-308. Absence of city clerk.

1-301. Appointment, compensation, and specific requirements, powers, and duties of office. The city clerk shall be appointed by the city manager and shall be the head of the department of finance. He shall receive a salary to be fixed by the city council and shall be bonded in such amount as may be provided by ordinance. He shall by his signature and the city seal, attest all instruments signed in the name of the city. He shall have power to administer oaths.

1-302. Shall keep minutes. It shall be the duty of the city clerk to be present at all meetings of the city council and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form. (1981 Code, § 2-92, modified)

1-303. Shall be custodian of public records, bonds, etc. The city clerk shall have custody of and preserve in his office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of the city council, contracts, bonds, title deeds, certificates and papers, all official indemnity or surety bonds (except his own bond, which shall be in the custody of the city manager), and all other bonds, oaths and affirmations and all other records, papers and documents not required by the charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof. (1981 Code, §§ 2-93, 2-94, and 2-96, modified)

¹Charter references

Appointment: art. VI, § 1.

Compensation: art. VI, § 1.

Vacancy in office: art. VI, § 8.

1-304. Shall provide and certify copies of records, papers, etc.

(1) The city clerk shall provide, and, when required by any office or person, certify copies of records, papers and documents in his office and charge therefor, for the use of the city, such fees as may be provided by ordinance; and shall cause copies of ordinances to be printed, as may be directed by the city council, and kept in his office for distribution.

(2) Schedule of reasonable charges for copies of public records.

(a) Copy charges: The city clerk may assess a charge of fifteen cents (15¢) per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.

The city clerk may assess a requestor a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies.

If a public record is maintained in color, the city clerk shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, the city clerk may assess a charge of fifty cents (50¢) per page for each 8 1/2 x 11 or 8 1/2 x 14 color copy produced.

If the requested records are being produced on a medium other than 8 1/2 x 11 or 8 1/2 x 14 paper, such as maps, plats, electronic data, audio discs, video discs, or any other format or material, the records shall be duplicated to the requestor at the actual costs of the city. For these items, the city clerk shall establish a schedule of charges documenting the city's "actual cost" and state the calculation and reasoning for the charges.

(b) Additional production charges. When assessing a fee for items covered under the "additional production charges" section, the city clerk shall utilize the most economical and efficient method of producing the requested records.

Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the clerk's office to retrieve the requested records. If the requestor chooses not to return to the clerk's office to retrieve the copies, the clerk may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge. It is within the discretion of the city clerk to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.

If the city clerk utilizes an outside vendor to produce copies of requested records because the city is legitimately unable to produce the copies at the city, the cost assessed by the vendor to the city may be recovered from the requestor.

If the city is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the

city clerk may assess the requestor the cost assessed to the city for retrieval of the records.

(c) Labor charges. "Labor" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

"Labor threshold" is defined as the labor of the employee(s) reasonably necessary to produce requested material for the first hour incurred by the city in producing the material.

The city clerk is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested records above the "labor threshold." The hourly wage is based upon the base salary of the employee(s) and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year.

In calculating the charge for labor, the city clerk shall determine the number of hours each employee spent producing a request. The city clerk shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The city clerk will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the city clerk will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(d) Pre-payment. The city clerk may require payment for the requested copies or duplication prior to the production of the copies or duplication. (as amended by Ord. #2013-54, Dec. 2013)

1-305. Shall generally supervise and keep records of fiscal affairs.

The city clerk as the head of the department of finance, shall exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition thereof. He shall be the general accountant and internal auditor of the city; he shall have custody of all papers, records and vouchers relating to the fiscal affairs of the city, and the records in his office shall show the financial operations and condition, property, assets, claims and liability of the city, all expenditures authorized and all contracts in which the city is interested. (1981 Code, § 2-97, modified)

1-306. Shall be treasurer. The city clerk shall be the treasurer of the city; as such it shall be his duty to collect, receive and receipt for the taxes and all monies, other revenues and bonds from all departments of the city, and the proceeds of its bond issues, and to disburse the same. (1981 Code, § 2-95, modified)

1-307. Shall perform any other duties imposed. The city clerk shall also perform any other duties imposed upon him by the charter or by ordinance.

1-308. Absence of city clerk. In the temporary absence or disability of the city clerk, the assistant city clerk, if such position be established, or another employee within the finance department designated by the city manager shall serve as acting city clerk.

CHAPTER 4**CITY MANAGER**¹**SECTION**

1-401. Duties and powers.

1-401. Duties and powers. The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over such departments, officers and employees as the charter prescribes, and shall perform all other duties required of him pursuant to the charter.

¹Charter references

Appointment: art. V, § 1.

Bond: art. VIII, § 4.

Compensation: art. V, § 1.

Powers and duties: art. V, § 4.

Removal from office: art. V, § 6.

Vacancy in office: art. V, § 3.

CHAPTER 5

CITY ATTORNEY¹

SECTION

1-501. Appointment, duties, and compensation.

1-502. Additional counsel authorized.

1-503. When incompetent by reason of interest, etc.

1-504. Compensation.

1-501. Appointment, duties, and compensation. The city attorney shall be appointed by the city council and shall direct the management of all litigation in which the city is a party, including the function of prosecuting attorney in the city court; represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers is officially interested; attend all meetings of the city council; advise the city council and committees or members thereof, the city manager, and the heads of all departments and divisions as to all legal questions affecting the city's interests; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city. His compensation shall be as fixed by the city council and he shall serve at the will of the city council. Residence in the city at the time of appointment of a city attorney shall not be required as a condition of the appointment, but within six (6) months following the appointment the city attorney must become a resident of the City of Cleveland. (1981 Code, §§ 2-76 and 2-77, modified)

1-502. Additional counsel authorized. In all suits by or against the corporation in which a large amount or an important principle is involved, the city council may, if it deems it necessary, employ additional counsel, and stipulate to pay reasonable fees. (1981 Code, § 2-78, modified)

1-503. When incompetent by reason of interest, etc. When the city attorney is incompetent by reason of interest or otherwise to represent the city in any matter arising, the city council shall have power to employ another attorney to represent the city; and it shall contract in advance to pay only such fee as is reasonable for the services such attorney may render. (1981 Code, § 2-79, modified)

¹Charter references

Appointment: art. VII, § 2.

Compensation: art. VII, § 2.

Duties: art. VII, § 2.

Qualifications: art. VII, § 1.

1-504. Compensation. The city attorney shall receive a fixed salary as set by the city council. (1981 Code, § 2-80, modified) November 28, 2011