

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Compensation.
- 1-103. Order of business.
- 1-104. General rules of order.
- 1-105. Wards.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:30 P.M. on the first Monday of each month at the City Hall in Erin. (1974 Code, § 1-101)

1-102. Compensation. The mayor and aldermen shall receive compensation for services as follows:

- (1) The sum of one hundred dollars (\$100.00) for attendance to regular board meetings and specially called meetings of the board.

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

Composition: § 2.03.
 Quorum: § 2.03.
 Term of office: § 2.01.
 Vacancy in office: § 2.06.

(2) Appointed committee members shall receive twenty-five dollars (\$25.00) for the attendance to scheduled committee meetings for no more than two (2) committee meetings per month.

(3) The mayor of the city shall receive the sum of twenty-five dollars (\$25.00) for attendance to scheduled committee meetings for no more than four (4) meetings per month. (1974 Code, § 1-101A, as amended by Ord. #511, Aug. 1999)

1-103. Order of business. At each meeting of the board of mayor and aldermen the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the governing body and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1974 Code, § 1-102)

1-104. 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 board of mayor and aldermen 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. (1974 Code, § 1-103, modified)

1-105. Wards. The City of Erin is hereby divided into the following four (4) wards:

(1) Ward Number 1. Ward Number 1 shall include the following area of the city:

Beginning at a point on the present city limits, said point being the intersection of the present city limits and east side of Spring Street; thence, in a southerly direction along the east side of Spring Street to the northerly intersection of Spring Street and West Spring Street Loop, thence southwesterly along the east side of West Spring Street Loop to the southerly intersection of Spring Street; thence south on Spring Street on the east side of Spring Street to the intersection of Spring Street and West Walnut Street; thence, in a southwesterly direction along the south side of West Walnut Street; thence to the intersection of West Walnut Street and North Church Street; thence north along the west side of

North Church Street to the intersection of North Church Street and Chestnut Street; thence southwesterly on the south side of Chestnut Street to the intersection of Chestnut Street and Spencer Street; thence south on the east side of Spencer Street to the intersection of Spencer Street and West Walnut Street; thence southwesterly along the south side of West Walnut Street to a point, thence north along the alley on the west side of said alley to the intersection of said alley with Chestnut Street; thence southerly on the south side of Chestnut Street to the intersection with North Boone Street; thence southerly on the east side of North Boone Street to the intersection of North Boone Street and West Main Street; thence northeasterly along the north side of West Main Street to the intersection of West Main Street and South Church Street; thence southerly along the east side of South Church Street to the intersection of South Church Street and Tank Hill Road; thence southwesterly on the east side of the Tank Hill Road to the point where Erin Branch Creek flows under Tank Hill Road; thence easterly along Erin Branch Creek on the north side of the creek; to a point where said creek flows under East Maple Street; thence easterly on the north side of East Maple Street to the intersection of East Maple Street and Smith Drive; thence southerly on the east side of Smith Drive to the intersection of Smith Drive and Griffey Hill Drive; thence southwesterly on the southeast side of Griffey Hill Drive to the intersection of Griffey Hill Drive and Tank Hill Road; thence in a southerly direction along the east side of Tank Hill Road to the southern boundary of the city limit; thence, around the present city limits to the point of beginning.

(2) Ward Number 2. Ward Number 2 shall include the following area of the city:

Beginning at the intersection of West Main Street and South Church Street; thence, in a southerly direction along the west side of South Church Street to the intersection of South Church and Tank Hill Road; thence southwesterly to the point where Erin Branch Creek flows under Tank Hill Road; thence easterly along Erin Branch Creek on the south side of the creek; to a point where said creek flows under East Maple Street; thence easterly on the south side of East Maple Street to the intersection of East Maple Street and Smith Drive; thence southerly on the west side of Smith Drive to the intersection of Smith Drive and Griffey Hill Drive; thence southwesterly on the northeast side of Griffey Hill Drive to the intersection of Griffey Hill Drive and Tank Hill Road; thence in a southeasterly direction along the west side of Tank Hill Road to the intersection of the present city limits and Tank Hill Road; thence in a westerly direction along the city limit to the intersection of the city limits and Rocky Hollow Road; thence in a northerly direction along the east side of Rocky Hollow Road to the intersection of Rocky Hollow Road and Knight Street; then northerly on the east side of Knight Street to a

point where the northernmost property line of the Erin Housing Authority development meets Knight Street thence easterly along the south side of the property line to a point where the property line intersects with Rocky Hollow Road; thence in a northeasterly direction on the east side of Rocky Hollow Road; to the intersection of Rocky Hollow Road and Midway Drive; thence along the east side of Midway Drive to the intersection of Main Street and Midway Drive; thence, in an easterly direction along the south side of Main Street to the point of beginning.

(3) Ward Number 3. Ward Number 3 shall include the following area of the city:

Beginning at a point on the present city limits, said point being the intersection of the present city limits and the west side of Spring Street; thence, in a southerly direction along Spring Street to the intersection of Spring Street and West Spring Street Loop, thence southwesterly along the west side of West Spring Street Loop to the southerly intersection of Spring Street; thence south on Spring Street on the west side of Spring Street to the intersection of Spring Street and West Walnut Street; thence, in a westerly direction along the north side of Walnut Street to the intersection of West Walnut Street and North Church Street; thence north along the east side of North Church Street to the intersection of North Church Street and Chestnut Street; thence southwesterly on the north side of Chestnut Street, to the intersection of Chestnut Street and Spencer Street; thence south on the west side of Spencer Street to the intersection of Spencer Street and West Walnut Street; thence southwesterly along the north side of West Walnut Street to a point, thence north along the alley on the east side of said alley to the intersection of said alley with Chestnut Street; thence southerly on the north side of Chestnut Street to the intersection with North Boone Street; thence southerly on the west side of North Boone Street to the intersection of North Boone Street and West Main Street; thence, in a westerly direction along the north side of Main Street to intersection of Main Street and Midway Drive; thence, in a southerly direction along the west side of Midway Drive to the intersection of Rocky Hollow Road and Midway Drive, then southwesterly on the west side of Rocky Hollow Road to a point where the northernmost property line of the Erin Housing Authority development meets Rocky Hollow Road, thence westerly along the north side of the property line to a point where the property line intersects with Knight Street; thence in a northerly direction along the east side of Knight Street to the intersection of Knight Street and Roby Drive, thence, in a westerly direction along the north side of Roby Drive to the intersection of Arlington Street and Roby; thence in a northerly direction along the east side of Arlington Street to the intersection of Arlington and Front Street; thence in an easterly direction along the south side of Front Street to the intersection of Front Street and Roby Drive;

thence in a northerly direction along the east side of Roby Drive to the intersection of Roby Drive and West Main Street; thence westerly on the north side of West Main Street to the Intersection of West Main Street and Metcalf Drive; thence in a northerly direction along the east side of Metcalf Drive to the intersection of the present city limits and Metcalf Drive; thence along the city limits to the point of beginning.

(4) Ward Number 4. Ward Number 4 shall include the following area of the city:

Beginning at a point on the present city limits, said point being the intersection of the present city limits and Metcalf Drive; thence in a southerly direction along the west side of Metcalf Drive to the intersection of Main Street and Metcalf Drive; thus in an easterly direction along the south side of Main Street to the intersection of Main Street and Roby Drive; thence in a southerly direction on the west side of Roby Drive to the intersection of Roby Drive and West Front Street; thence in a westerly direction on the north side of West Front Street to the intersection of West Front Street and Arlington Street; thence in a southerly direction along the west side of Arlington Street to the intersection of Arlington Street and Roby Drive; thence in an easterly direction along the south side of Roby Drive to the intersection of Roby Drive and Knight Street; thence in a southerly direction along the west side of Knight Street and Rocky Hollow Road to the intersection of Rocky Hollow Road and the present city limits; thence around the present city limits to the point of beginning. (1974 Code, § 1-104, as replaced by Ord. #615, Jan. 2018)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises municipality's affairs.

1-202. Executes municipality's contracts.

1-201. Generally supervises municipality's affairs. The mayor shall appoint all committees from members of board of aldermen, have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1974 Code, § 1-201)

1-202. Executes municipality's contracts. No purchase for the city shall be made without the mayor's prior approval. He shall execute all contracts as authorized by the board of mayor and aldermen. (1974 Code, § 1-202)

¹Charter references

Administrative duties: § 3.02.

Bond required: § 3.10.

Term of office: § 2.01.

Vacancy in office: § 2.06.

CHAPTER 3**RECORDER**¹**SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1974 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1974 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the mayor and board of aldermen and for the municipality which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1974 Code, § 1-303)

¹Charter references: §§ 2.08 and 3.06.

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees, For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance - Tennessee Code Annotated, title 2, chapter 10.

Conflict of interests - Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements - Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information - Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law - Tennessee Code Annotated, § 8-47-101 and the following sections.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It 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. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #550, June 2007)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests;

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #550, June 2007)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #550, June 2007)

1-404. 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 a form provided by and filed with the recorder. In addition, the

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #550, June 2007)

1-405. 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. (as added by Ord. #550, June 2007)

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee 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. (as added by Ord. #550, June 2007)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #550, June 2007)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #550, June 2007)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #550, June 2007)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection (2), the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #550, June 2007)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #550, June 2007)