

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TOWN ENGINEER.
5. TOWN ATTORNEY.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Salaries of mayor and aldermen.
- 1-105. Budget amendments.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 5:30 P.M. at the town hall. Provided, however, the mayor and a majority of the members of the board of mayor and aldermen may change the meeting time, but not the meeting date, from time to time as the needs of the town dictate, provided actual adequate notice of any such change is given to the other members of the board of mayor and aldermen and the local media. The public shall be notified of such change by posting notices on the doors of the municipal building at least twenty-four (24) hours prior to the new meeting time. Provided further, the board of

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.

mayor and aldermen may from time to time cancel meetings. (2005 Code, § 1-101, modified)

1-102. 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 board, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (2005 Code, § 1-102)

1-103. 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. (2005 Code, § 1-103)

1-104. Salaries of mayor and aldermen. The monthly salary of the mayor is set at five hundred dollars (\$500.00) and the monthly salary of each member of the board of aldermen is set at three hundred dollars (\$300.00). (Ord. #625-07, July 2007)

1-105. Budget amendments.¹ Prior to the approval of any amendment to the annual budget that would increase appropriations for the expenditure of town funds, the board of mayor and aldermen shall approve a resolution that identifies a corresponding source of funds to cover the proposed additional expenditure, and/or identifies a corresponding reduction in expenditure to compensate for the proposed additional expenditure. Nothing in this section shall be construed or interpreted as an explanation or limitation on any power or authority granted to the municipality by the State of Tennessee. (2005 Code, § 1-105)

¹Municipal code reference
Finance and taxation: title 5.

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall 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. (2005 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (2005 Code, § 1-202)

¹Charter reference

Officers and corporate authority: art. IV.

CHAPTER 3

RECORDER¹

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 such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (2005 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. (2005 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board 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 town shall provide. (2005 Code, § 1-303)

¹Charter references

Recorder: art. IV, § 14, and art. VI, § 5.

CHAPTER 4**TOWN ENGINEER**¹**SECTION**

1-401. Office established.

1-402. Responsibilities.

1-401. Office established. There is hereby established the office of the town engineer. (2005 Code, § 1-401)

1-402. Responsibilities. The town engineer is responsible to the board of mayor and aldermen for directing the operation of the public works department. This includes the organization, direction, and coordination of activities for construction and maintenance of streets, refuse collection and disposal, building inspections and permits, equipment and building maintenance and repair, and all other duties that may be assigned. (2005 Code, § 1-402)

¹Charter reference
Town engineer: art. IV, § 16.

CHAPTER 5

TOWN ATTORNEY

SECTION

1-501. Office established.

1-502. Term of office.

1-503. Responsibilities and duties.

1-504. Compensation.

1-501. Office established. There is hereby established the office of town attorney. (2005 Code, § 1-501)

1-502. Term of office. The term of office of the town attorney will be for a period of one (1) year and/or until his successor is elected and qualifies. Said attorney shall be elected by the board of mayor and aldermen at the first regular meeting in July of each year. (2005 Code, § 1-502)

1-503. Responsibilities and duties. It shall be the duty of the town attorney to appear for and represent the town in all lawsuits in any court in which the town is a party; to examine and pass upon all bonds submitted by the officers of the town and their agents or others; to examine and pass upon all land contracts, deeds and other instruments in which the town is a party or has an interest; to render legal opinions in matters affecting the town; to attend meetings of the board, when requested, and perform such other duties within the scope of the business of an attorney and counselor as may be required by the board of mayor and aldermen. (2005 Code, § 1-503)

1-504. Compensation. The board of mayor and aldermen shall set the salary of the town attorney at such figure as the board may deem proper at the beginning of each fiscal year. In addition to the regular salary approved by the board of mayor and aldermen, additional fees and expenses may be paid to said attorney, as follows:

(1) For services rendered said town in connection with litigation to which the town is a party, for prolonged negotiations of matters not in litigation, for extensive research of legal questions and matters of interest to said town and for the performance of any other legal service that involves substantial time and effort not ordinarily included within retainer compensation.

(2) To reimburse said attorney for travel and other incidental expenses incurred in connection with attending to the business or interests of said town.

Upon the performance of said additional services, or after incurring incidental expenses, said attorney will present a resume of his services, with charges therefor, and a list of expenses to the board for its approval. Upon

approval of same, the attorney will be paid from the general fund. (2005 Code, § 1-504)

CHAPTER 6

CODE OF ETHICS

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting members.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations and penalty.

1-601. Applicability. This chapter is the code of ethics for personnel of the Town of Erwin. 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, public works authority, corporation, or other instrumentality which has been appointed or created by the Town of Erwin. The words "municipal" and "municipality" include these separate entities. (Ord. #623-07, June 2007)

1-602. Definition of "personal interest". (1) For purposes of §§ 1-603 and 1-604, "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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(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. (Ord. #623-07, June 2007)

1-603. 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 himself from voting on the measure. (Ord. #623-07, June 2007)

1-604. Disclosure of personal interest in non-voting members. 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 official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #623-07, June 2007)

1-605. 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. (Ord. #623-07, June 2007)

1-606. 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. (Ord. #623-07, June 2007)

1-607. Use of municipal 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. (Ord. #623-07, June 2007)

1-608. 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. (Ord. #623-07, June 2007)

1-609. 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. (Ord. #623-07, June 2007)

1-610. Ethics complaints. (1) The town 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 town 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, the town 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 town attorney may request that the governing body 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 town 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. (Ord. #623-07, June 2007)

1-611. Violations and penalty. 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. (Ord. #623-07, June 2007)