

## TITLE 1

### GENERAL ADMINISTRATION<sup>1</sup>

#### CHAPTER

1. BOARD OF COMMISSIONERS.
2. CITY MANAGER.
3. RECORDER.
4. CODE OF ETHICS.

#### CHAPTER 1

### BOARD OF COMMISSIONERS<sup>2</sup>

#### <sup>1</sup>Charter reference

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.  
 Water and sewers: title 18.  
 Zoning: title 14.

#### <sup>2</sup>Charter reference

For detailed provisions of the charter related to the election and to general and specific powers and duties of the board of commissioners, see *Tennessee Code Annotated*, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.  
 Appointment and removal of city manager: § 6-21-101.  
 Compensation of city attorney: § 6-21-202.  
 Creation and combination of departments: § 6-21-302.  
 Removal of mayor and commissioners: § 6-20-220.  
 Subordinate officers and employees: § 6-21-102.  
 Taxation  
     Change tax due dates: § 6-22-113.  
     Power to levy taxes: § 6-22-108.

(continued...)

**SECTION**

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Municipal elections.
- 1-105. Ordinance procedures.
- 1-106. Citizens' input.

**1-101. Time and place of regular meetings.** The board of commissioners shall hold a regular meeting at 7:00 P.M. local time on the second Thursday of each month at the city hall. (Ord. #44-2017, June 2017)

**1-102. Order of business.** (1) At each regular meeting of the board of commissioners, the following order of business shall be observed unless waived by a majority vote of the members present:

- (a) Call to order by the mayor;
- (b) Roll call;
- (c) Pledge of allegiance;
- (d) Mayor's welcome;
- (e) Approval of agenda;
- (f) Approval of minutes from previous meeting;
- (g) Citizens' input;
- (h) Reports:
  - (i) Fire;
  - (ii) Police;
  - (iii) Utilities;
  - (iv) Planning commission; and
  - (v) City manager.
- (i) Old business;
- (j) New business;
- (k) Council reports;
- (l) Any other business; and
- (m) Adjournment.

(2) At each regular/workshop meeting of the board of commissioners, the following order of business shall be observed unless waived by a majority vote of the members present:

- (a) Call to order;
- (b) Roll call;
- (c) Approval of agenda;
- (d) Approval of minutes from previous meeting;

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(...continued)

Power to sue to collect taxes: § 6-22-115.

- (e) Citizens' input;
- (f) Reports:
  - (i) Financial; and
  - (ii) City manager.
- (g) Old business;
- (h) New business;
- (i) Council reports;
- (j) Any other business; and
- (k) Adjournment. (Ord. #20-2014, Nov. 2014)

**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 governing body 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. (2003 Code, § 1-103)

**1-104. Municipal elections.** (1) Pursuant to the authority granted by *Tennessee Code Annotated*, § 6-20-102(c)(1), subsequent regular municipal elections are hereby fixed as the date of the regular November election as defined in *Tennessee Code Annotated*, § 2-1-104.

(2) Pursuant to the authority granted by *Tennessee Code Annotated*, § 6-20-102(c)(2)(A), the terms of all three (3) incumbent commissioners shall be extended to coincide with the November general election of 2010. (2003 Code, § 1-104)

**1-105. Ordinance procedures.** (1) Only the caption of an ordinance, instead of the entire ordinance, shall be read on both readings.

(2) Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has a second reading.

(3) The ordinance comprising this section shall take effect fifteen (15) days from and after its first passage, or upon final passage, whichever is later, the public welfare requiring it. Nor shall the ordinance comprising this chapter take effect until it is published. (2003 Code, § 1-105)

**1-106. Citizens' input.** (1) A citizen shall give notice to the city manager no less than five (5) business days before the regular meeting of intent to participate.

(2) Any citizen shall be given up to three (3) minutes to address the board of commissioners on any issue. Citizens wishing to address the city commission shall wait to be recognized by the mayor to do so and state their name and place of residence before providing input.

(2) The agenda of each regular city commission meeting and regular/workshop meeting shall include the following statement concerning citizens' input: "Any citizen shall be given up to three minutes to address the

board on any issue. When the mayor asks, please raise your hand if you wish to speak, state your name, and whether you are or not a resident of Gallaway." (Ord. #20-2014, Nov. 2014, modified)

**CHAPTER 2****CITY MANAGER**<sup>1</sup>**SECTION**

1-201. Generally supervises municipality's affairs.

**1-201. Generally supervises municipality's affairs.** The city manager 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 responsibilities. (2003 Code, § 1-201)

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<sup>1</sup>Charter reference

For charter provisions outlining the appointment and removal of the city manager, see *Tennessee Code Annotated*, title 6, chapter 21, part 1, particularly § 6-21-101.

**CHAPTER 3****RECORDER<sup>1</sup>****SECTION**

- 1-301. To keep minutes, etc.
- 1-302. To perform general administrative duties, etc.
- 1-303. To be bonded.
- 1-304. Recorder to obtain certification.

**1-301. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (2003 Code, § 1-302)

**1-302. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the governing body 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. (2003 Code, § 1-303)

**1-303. To be bonded.** The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (2003 Code, § 1-301)

**1-304. Recorder to obtain certification.** The City of Gallaway adopts by reference as if it were fully set out herein, *Tennessee Code Annotated*, § 6-54-120, which provides for certification of the recorder. (2003 Code, § 1-304, modified)

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<sup>1</sup>Charter references

For charter provisions outlining the duties and powers of the recorder, see *Tennessee Code Annotated*, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see *Tennessee Code Annotated*, title 6, chapter 22, particularly § 6-22-119.

**CHAPTER 4****CODE OF ETHICS**<sup>1</sup>**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 and penalty.

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<sup>1</sup>State 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, ch. 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. (2003 Code, § 1-401)

**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. (2003 Code, § 1-402)

**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 himself<sup>1</sup> from voting on the measure. (2003 Code, § 1-403)

**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 official or employee may, to the extent allowed by law, charter, ordinance, or

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



policy, recuse himself from the exercise of discretion in the matter. (2003 Code, § 1-404)

**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. (2003 Code, § 1-405))

**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. (2003 Code, § 1-406)

**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. (2003 Code, § 1-407)

**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. (2003 Code, § 1-408)

**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. (2003 Code, § 1-409))

**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, 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 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 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. (2003 Code, § 1-410)

**1-411. 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. (2003 Code, § 1-411)