

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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

¹Charter 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.

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF COMMISSIONERS¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. General rules of order.
- 1-103. Compensation.
- 1-104. Budget amendments.
- 1-105. Elections.

1-101. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 7:00 P.M. on the third Thursday of each month at the town hall. (1996 Code, § 1-101)

1-102. 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 commissioners 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. (1996 Code, § 1-102)

¹Charter 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.
- Subordinate officers and employees: 6-21-102.
- Taxation
 - Change tax due dates: 6-22-113.
 - Power to levy taxes: 6-22-108.
 - Power to sue to collect taxes: 6-22-115.
 - Removal of mayor and commissioners: 6-20-220.

1-103. Compensation. (1) The salary for each commissioner of the Town of Kingston Springs, Tennessee shall be one hundred fifty dollars (\$150.00) per month.

(2) Pursuant to *Tennessee Code Annotated*, § 6-20-204, as amended, no increase in salaries of the mayor and commissioners shall be effective unless approved by a two-thirds (2/3) vote of the members to which the board of commissioners is entitled. (1996 Code, § 1-103, modified)

1-104. Budget amendments. Prior to the approval of any amendment to the annual budget that would increase appropriations for the expenditure of town funds, the board of commissioners 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. (1996 Code, § 1-104)

1-105. Elections. This section shall change the date of municipal elections hereafter to coincide with the November general election and shall extend terms of members of the board necessary to meet the election date. The adoption of this section will not extend for more than two (2) years beyond its regular expiration date as provided by amended statute and amended charter change. Further, it is found that in no manner does this amendatory ordinance remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected. (1996 Code, § 1-105)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties and powers.

1-202. Compensation.

1-201. Duties and powers.² The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds and contracts made in the name of the town, and perform all acts that may be required of him by any ordinance duly enacted by the board of commissioners, not in conflict with the charter. (1996 Code, § 1-201)

1-202. Compensation. (1) The salary for the mayor of the Town of Kingston Springs, Tennessee shall be two hundred dollars (\$200.00) per month.

(2) Pursuant to *Tennessee Code Annotated*, § 6-20-204, as amended, no increase in salaries of the mayor and commissioners shall be effective unless approved by a two-thirds (2/3) vote of the members to which the board of commissioners is entitled. (1996 Code, § 1-202, modified)

¹Charter reference

For general charter provisions dealing with the election and duties of the mayor and vice mayor, see *Tennessee Code Annotated*, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

²Charter references

For detailed provisions of the charter outlining the election, power and duties of the mayor see *Tennessee Code Annotated*, title 6, chapter 20, part 2, particularly, §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:

Election: 6-20-201.

General duties: 6-20-213 and 6-20-219.

May introduce ordinances: 6-20-213.

Presiding officer: 6-20-209 and 6-20-213.

Seat, voice and vote on board: 6-20-213.

Signs journal, ordinances, etc.: 6-20-213.

CHAPTER 3

CITY MANAGER¹

SECTION

- 1-301. Duties and powers.
- 1-302. Limitation on expenditures.
- 1-303. Contract execution authorization.

1-301. Duties and powers. The city manager shall be the chief administrative officer of the town and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and town purchases and expenditures as the charter prescribes and shall perform all other duties required of him pursuant to the charter.² (1996 Code, § 1-301)

1-302. Limitation on expenditures. The city manager shall have the right to expend town funds to pay for materials, supplies, equipment and services purchased in the conduct of town business, but no expenditure shall exceed ten thousand dollars (\$10,000.00). Expenditures in excess of ten thousand dollars (\$10,000.00) shall require the approval of the board of commissioners. (1996 Code, § 1-302)

1-303. Contract execution authorization. The city manager shall have the authority to execute contracts on behalf of the Town of Kingston Springs for materials, supplies, equipment and services purchased in the conduct of town business for expenditures not exceeding ten thousand dollars (\$10,000.00). The city manager shall also have the authority to execute agreements with the State of Tennessee related to the consolidated retirement

¹Charter 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.

²Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: 6-21-107.

Appointment and removal of officers and employees: 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-704, and 6-21-701, 6-22-101.

General and specific administrative powers: 6-21-108.

School administration: 6-21-801.

Supervision of departments: 6-21-303.

system and other employee benefits programs provided that such agreements to not require any expenditure, future obligation, or funding by the Town of Kingston Springs in excess of the funding and employee benefits and obligations previously approved by the board of commissioners. The city manager shall also have the authority to execute any other agreements or contracts not expressly addressed herein upon approval of such agreements or contracts by the board of commissioners and authorization to execute same by the board of commissioners in the approving resolution or ordinance. (Ord. #2019-005, Sept. 2019)

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 nonvoting 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.

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

¹Ouster law-*Tennessee Code Annotated*, § 8-47-101 and the following sections. 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*, 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, 2-10-124.

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.

"municipal" and "municipality" include these separate entities. (1996 Code, § 1-402)

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), 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. (1996 Code, § 1-402, modified)

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. (1996 Code, § 1-403)

1-404. Disclosure of personal interest in nonvoting 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 policy, recuse himself from the exercise of discretion in the matter. (1996 Code, § 1-404)

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

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. (1996 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. (1996 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. (1996 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. (1996 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. (1996 Code, § 1-409)

1-410. Ethics complaints. (1) The town attorney or assistant town attorney or attorney designee by 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. (1996 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. (1996 Code, § 1-411)