

**TITLE 1**

**GENERAL ADMINISTRATION**<sup>1</sup>

**CHAPTER**

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. CITY MANAGER.
4. CODE OF ETHICS.
5. MUNICIPAL ELECTIONS.
6. PUBLIC RECORDS POLICY.

---

<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.

## CHAPTER 1

### BOARD OF COMMISSIONERS<sup>1</sup>

#### SECTION

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

**1-101. Time and place of regular meetings.** The regular meetings of the Board of Commissioners of Mount Pleasant, Tennessee, shall be held at 7:00 P.M. on the third Tuesday of each month. All meetings shall be at the city hall commission chambers in Mount Pleasant, Tennessee, unless otherwise directed. (1984 Code, § 1-101, as amended by Ord. #87-683, April 1987, modified)

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

- (1) Call to order (mayor);
- (2) Pledge of allegiance/invocation (optional);
- (3) Roll call (the mayor may simply acknowledge that all commissioners, the city manager, city recorder, and the city attorney are all present);
- (4) Approval/correction of minutes from prior meeting;

---

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

- (5) Awards/presentations/ appointments;
- (6) Completion/review of unfinished business from prior meeting;
- (7) Monthly report from mayor;
- (8) Monthly financial/budget report (director of administration/  
budget);
- (9) Monthly report of city manager;
- (10) Special reports from other city departments or committees (if any):
  - (a) Wastewater liaison report
  - (b) Mount Pleasant gas system report
- (11) New business (comments from citizens may or may not be included,  
dependent on the issues);
- (12) General comments from citizens (may be limited in time and/or  
number of comments);
- (13) Adjournment. (1984 Code, § 1-102, as amended by Ord. #2008-882,  
Aug. 2008, and replaced by Ord. #2016-993, Oct. 2016, and Ord. #2017-1015,  
Dec. 2107)

**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 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. (1984 Code, § 1-103, modified)

**1-104. Compensation of mayor and commissioners.** (1) Pursuant to the provisions of Tennessee Code Annotated, § 6-20-204, the annual salaries of the mayor and commissioners of the city shall be as follows:

- (a) The mayor shall be paid an annual salary of one thousand eight hundred dollars (\$1,800.00).
- (b) Each member of the board of commissioners shall be paid an annual salary of one thousand two hundred dollars (\$1,200.00).

(2) The compensation of the mayor and commissioners shall be paid quarterly at the rate of one-fourth (1/4) of the annual compensation. (1984 Code, as amended by Ord. #2001-822, June 2001)

## CHAPTER 2

### MAYOR<sup>1</sup>

#### SECTION

##### 1-201. Duties and powers.

**1-201. Duties and powers.**<sup>2</sup> (1) 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 city, and perform all acts that may be required of him by the charter, and any ordinances duly enacted by the board of commissioners, not in conflict with the charter.

(2) That the City of Mount Pleasant, Tennessee designates the mayor as an ex-officio member of all city commission appointed committees.

(3) That the mayor shall not vote in committee meetings unless authorized by the city charter, ordinances, or committee bylaws. (1984 Code, § 1-301, as amended by Ord. #2017-001, Feb. 2017)

---

<sup>1</sup>Charter 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.

<sup>2</sup>Charter 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 MANAGER**<sup>1</sup>**SECTION**

1-301. Duties and powers.

**1-301. Duties and powers.**<sup>2</sup> The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes, and shall perform all other duties required of him pursuant to the charter. In addition, the city manager shall perform the functions of the recorder and treasurer as prescribed by the charter. (1984 Code, § 1-301)

---

<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.

<sup>2</sup>Charter 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, 6-21-701 and 6-21-704, 6-22-101.

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

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

## 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.

---

<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 and is incorporated as a new chapter in the Mt. Pleasant Municipal Code. 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. (Ord. #2006-864, Sept. 2006)

**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; or

(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. (Ord. #2006-864, Sept. 2006)

**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. (Ord. #2006-864, Sept. 2006)

**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

---

<sup>1</sup>Masculine 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. (Ord. #2006-864, Sept. 2006)

**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. (Ord. #2006-864, Sept. 2006)

**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. (Ord. #2006-864, Sept. 2006)

**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. (Ord. #2006-864, Sept. 2006)

**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. (Ord. #2006-864, Sept. 2006)

**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. (Ord. #2006-864, Sept. 2006)



**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 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, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics. (Ord. #2006-864, Sept. 2006)

**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. (Ord. #2006-864, Sept. 2006)

## CHAPTER 5

### MUNICIPAL ELECTIONS

#### SECTION

- 1-501. Date of elections.
- 1-502. Term of board of commissioners.
- 1-503. Non-resident property owners.

**1-501. Date of elections.** In accord with Tennessee Code Annotated, § 6-2-102, the City of Mount Pleasant, Tennessee, municipal election previously scheduled for the first Tuesday of July, 2013 and thereafter on the first Tuesday of July in odd numbered years shall be rescheduled until the first Tuesday following the first Monday in November, 2014 (the date of state and federal general elections), and thereafter the City of Mount Pleasant, Tennessee municipal election shall occur every other year on the first Tuesday following the first Monday of November (the date of state and federal general elections). (as added by Ord. #2013-955, March 2013)

**1-502. Term of board of commissioners.** Further, in accord with Tennessee Code Annotated, § 6-20-102, the terms of the members of the existing board of commissioners shall be extended until the November 2014 City of Mount Pleasant municipal election. (as added by Ord. #2013-955, March 2013)

**1-503. Non-resident property owners.** In accord with Tennessee Code Annotated, § 2-6-205, the City of Mount Pleasant, Tennessee non-resident property owners shall cast their municipal ballots as absentee mail ballots. (as added by Ord. #2013-956, March 2013)

## CHAPTER 6

### PUBLIC RECORDS POLICY

#### SECTION

- 1-601. Definitions.
- 1-602. Requesting access to public records.
- 1-603. Responding to records requests.
- 1-604. Inspection of records.
- 1-605. Copies of records.
- 1-606. Fees and charges and procedures for billing.

**1-601. Definitions.** (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tennessee Code Annotated, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tennessee Code Annotated, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in § 1-603(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tennessee Code Annotated, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

**1-602. Requesting access to public records.** (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing address from the requester for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing on inspection/duplication of records request form at Mount Pleasant City Hall, 100 Public Square, Mount Pleasant, Tennessee 38474 or by phone at 931-379-7717, or by email to [lgarner@mountpleasanttn.org](mailto:lgarner@mountpleasanttn.org).

(4) Requests for copies, or requests for inspection and copies, shall be made in writing on inspection/duplication of records request form in person or

by mail at Mount Pleasant City Hall, 100 Public Square, Mount Pleasant, Tennessee 38474 or by email to lgamer@mountpleasanttn.org.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

**1-603. Responding to public records requests.** (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the city is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fee (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen;

(B) The request lacks specificity;

(C) An exemption makes the record not subject to disclosure under the TPRA;

(D) The city is not the custodian of the requested records; or

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian.

(c) The designated PRRC(s) is (are):

(i) Loretta Garner, CPA, City Recorder or his/her designee.

(ii) Contact information: Mount Pleasant City Hall, 100 Public Square, Mount Pleasant, Tennessee 38474 or by phone at 931-379-7717, or by email to lgamer@mountpleasanttn.org.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed public records request response form which is attached as form B,<sup>1</sup> based on the form developed by the OORC.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 1-603(1)(b)(ii) and may use the public records request response form B.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form B to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requester to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the request or with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

---

<sup>1</sup>Form B (Public Records Request Response Form) is available in the office of the recorder.

**1-604. Inspection of records.** (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the City of Mount Pleasant shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

**1-605. Copies of records.** (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Mount Pleasant City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Cell phones, cameras, scanners, or any other device capable of reproducing, photographing, copying, or scanning records are not permitted while inspecting public records. Requestors may purchase storage devices from the city upon which the records will be downloaded. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

**1-606. Fees and charges and procedures for billing.** Fees and charges for copies of public records should not be used to hinder access to public records:

(1) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) When fees for copies and labor do not exceed ten dollars (\$10.00), the fees may be waived. Requests for waivers for fees above ten dollars (\$10.00) must be presented to the city manager to determine if such waiver is in the best interest of City of Mount Pleasant and for the public good. Fees associated with aggregated records requests will not be waived.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) The actual cost of any other medium upon which a record/information is being produced.

(d) Labor when time exceeds one (1) hour.

(e) If an outside vendor is used, the actual costs assessed by the vendor.

(4) Payment is to be made payable to the City of Mount Pleasant and presented to the cash office along with the completed and signed records request form indicating the estimated amount to be charged.

(5) Payment in advance will be required when costs are estimated to exceed fifteen dollars (\$15.00).

(6) Aggregation of frequent and multiple requests. (a) The City of Mount Pleasant will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) If more than four (4) requests are received within a calendar month:

(i) Records requests will be aggregated for all departments.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: meeting agendas and approved minutes. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)