

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. TOWN MANAGER.
4. RECORDER, FINANCE DIRECTOR.
5. DEPARTMENTS.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF COMMISSIONERS²

SECTION

- 1-101. Time and place of regular meetings.

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.

Utilities: titles 18 and 19.

Zoning: title 14.

²Charter references

For charter provisions related to the board of commissioners, see *Tennessee Code Annotated*, title 6, chapter 20. For specific charter provisions related to the board of commissioners, see the following sections:

Compensation: § 6-20-204.

Duties of mayor: § 6-20-203.

Election of the board: chapter 20, part 1.

Oath: § 6-21-103.

Ordinance procedure

Publication: §§ 6-20 and 6-22.

Readings: § 6-20-215.

Residence requirements: § 6-20-110.

Town manager: § 6-21.

Vacancies in office: § 6-20-110.

Vice-mayor: §§ 6-20-202 and 6-20-203.

- 1-102. Election date.
- 1-103. Number of commissioners.
- 1-104. Creation of committees.
- 1-105. Grant application requiring commissioner approval.
- 1-106. Allowing ordinance captions to be read.

1-101. Time and place of regular meetings. (1) The regular meetings of the Nolensville Board of Commissioners shall be held on the first Thursday of each month at 6:30 P.M. at Nolensville Town Hall.

(2) The work sessions of the Nolensville Board of Commissioners shall be held two (2) Mondays before the regular meetings at 4:00 P.M. at Nolensville Town Hall.

(3) Regular meetings of the Nolensville Board of Commissioners shall observe the following order of business.

- (a) Call to order by the mayor and determination of a quorum.
- (b) Approval of agenda.
- (c) Approval or correction of minutes of the previous meeting(s).
- (d) Comments from citizens.
- (e) Commissioners' response to citizens.
- (f) Announcements and report from town manager.
- (g) Consent agenda items
- (h) Old business.
- (i) New business.
- (j) Reports and comments from commissioners.
- (k) Adjournment.

(4) Consent agenda items shall include those items determined by the town manager and or board of commissioners to be routine matters not necessitating discussion. All consent items shall be voted upon simultaneously pursuant to a single motion. Any commissioner shall have the ability to remove any item from the consent agenda for individual discussion. Any item removed from the consent agenda shall be considered separately from the consent agenda by the board of commissioners following approval of the remaining consent agenda.

(5) Reports from the town attorney, finance director, departments, and advisory committees shall be part of the consent agenda for informational purposes only and shall not require approval by the board of commissioners.

(6) At the discretion of the board of commissioners and the town manager, written reports from the town manager, town attorney, finance director, committees, and departments may be permitted in lieu of spoken reports.

(7) The rules of order and parliamentary procedure contained in the most recently published edition of *Robert's Rules of Order*, current edition, shall govern the transaction of business by and before the board of commissioners at

its meetings in all cases to which they are not inconsistent with provisions of the city manager-commission charter or this code.

(8) At any meeting of the board of commissioners, the board shall have the ability to alter the order of business set forth in subsection (3) of this section by the vote of a majority of members present. (2002 Code, § 1-101, as amended by Ord. #21-22, July 2021, Ord. #21-10, April 2021, Ord. #22-23 Feb. 2023, and Ord. #22-24, Feb. 2023)

1-102. Election date. In accordance with *Tennessee Code Annotated*, § 6-3-104, town elections shall be held on the first Tuesday following the first Monday of November in even-numbered years beginning in November 1998, or at the time of the general election in those even years as determined by the election commission.

Town officials elected or re-elected at November elections shall commence their new term of office, and be sworn in at the first meeting of the board of commissioners in January of the calendar year following the year in which said official is elected. (2002 Code, § 1-102)

1-103. Number of commissioners. The number of commissioners, and the terms thereof, shall be in accordance with *Tennessee Code Annotated*, § 6-20-101. (2002 Code, § 1-103, modified)

1-104. Creation of committees. (1) The board of commissioners is authorized to create committees, through resolution or ordinance, whose members will advise the board and make recommendations on various issues impacting the town.

(2) The board of commissioners shall make appointments to all committees created by the board. All members of these committees serve at the pleasure of the board of commissioners.

(3) If at any time a vacancy exists on a committee, the board of commissioners shall fill the vacancy, as expeditiously as possible. (Ord. #20-14, June 2020)

1-105. Grant application requiring commissioner approval.

(1) Approval in the form of a resolution from the board of commissioners shall be required before any grant application shall be made on behalf of the Town of Nolensville.

(2) Grant applications shall be coordinated by town staff under the direction of the town manager. No board, commission, committee, group, or individual shall be authorized to act on behalf of the town by applying for, or accepting, any grant. (Ord. #20-30, Oct. 2020)

1-106. Allowing ordinance captions to be read. Only the captions of ordinances shall be required to be read at both the first and second readings

for such ordinances at meetings of the board of commissioners. (Ord. #20-22, Oct. 2020)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties and responsibilities.

1-201. Duties and responsibilities. The mayor:

- (1) Shall be the chief executive officer of the municipality, and shall preside at meetings of the board;
- (2) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;
- (3) (a) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability; and
 - (b) The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in the town charter.
- (4) (a) May call special meetings of the board upon adequate notice to the board and adequate public notice; and
 - (b) Shall state the matters to be considered at the special meeting, and the action of the board shall be limited to those matters submitted.
- (5) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;
- (6) As a member of the board, may make motions and shall have a vote on all matters coming before the board; and
- (7) Shall make appointments to boards and commissions as authorized by law. (2002 Code, § 1-201, as amended by Ord. #20-13, June 2020)

¹Charter references

For charter provisions related to the mayor, see *Tennessee Code Annotated*, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-20-110.

Vice-mayor: §§ 6-20-202 and 6-20-203.

CHAPTER 3

TOWN MANAGER

SECTION

- 1-301. Duties of town manager.
- 1-302. Appointment of town manager.
- 1-303. Removal of town manager.
- 1-304. Board not to interfere with appointments or removals.
- 1-305. Binding contracts.
- 1-306. To be bonded.
- 1-307. Severability.

1-301. Duties of town manager. The town manager is responsible for the efficient management and operation of the affairs of the town in accordance with the state law and the municipal charter, town ordinances and such directives, regulations, and policies of the board of commissioners (BOC or the board) may, from time to time adopt, subject to those provisions of the municipal charter which require the mayor to act and function as the chief executive officer of the town. The specific duties and responsibilities of the town manager are as follows:

- (1) Day-to-day operation of the town. The town manager shall:
 - (a) Ensure all property, real and personal, owned by the municipality is well maintained;
 - (b) Ensure that all state, county and local ordinances and regulations are followed within the town limits;
 - (c) Ensure stormwater quality through a comprehensive stormwater management program;
 - (d) Manage the efficient operation of the town offices;
 - (e) Identify, and where feasible implement, new and more efficient methods of operations for town departments; and
 - (f) Perform such other duties consistent with this office as may, by vote of the BOC, be required.
- (2) Reports and recommendations to board and committees. The town manager shall:
 - (a) Make recommendations to the board of commissioners for improving quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
 - (b) Keep the mayor and board fully advised as to the conditions and needs of the municipality;
 - (c) Report to the mayor and board the condition of all property, real and personal, owned by the municipality and recommend repairs and replacement as needed;

(d) Recommend to the mayor and board and suggest priority of programs or projects involving public works, or public improvements that should be undertaken by the municipality;

(e) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval by the board; and

(f) Consult and cooperate with the committees of the board in the administration of the town's affairs.

(3) Manage town employees. The town manager shall:

(a) Recruit, hire, evaluate, direct, and, if necessary, discipline and terminate town employees, subject to the provisions of § 1-301, in consultation with the mayor;

(b) Examine, or cause to be examined, the affairs or conduct of any department or employee under his/her control to ensure the proper performance of duties, and shall have access to all town records, books or papers to properly perform this function;

(c) Establish and maintain effective working relationships with employees;

(d) Conduct regular staff meetings to review progress, accomplishments, budgets, strategies and plans for the town;

(e) Facilitate and work within a "team oriented" environment, being both an effective team leader and team member;

(f) Support other staff in the development and implementation of goals, objectives, policies, or priorities;

(g) Train and supervise all staff, including consultants;

(h) Handle confidential information with tact and discretion;

(i) Present all nominees made by the board of commissioners for approval. This duty will include prospective nominees to the planning commission to be selected by the mayor;

(j) Prepare all meeting agendas in coordination with the town recorder; and

(k) The town manager as selected by the board of commissioners shall have the final authority in all personnel matters working in cooperation with the mayor, but not under the mayor's authority, but rather that of the entire board.

(4) Interact effectively with governmental officials and community members. The town manager shall:

(a) Establish and maintain effective working relationships with town officials, the business community, the general public and state, regional and federal officials;

(b) Communicate effectively with the public and development community orally and in writing;

(c) Educate the public on town, county, and state ordinances, regulations, and plans;

- (d) Communicate the town's position effectively in public forums and meetings;
- (e) Work closely with the public receiving inquiries and complaints, and attending to the resolution of same;
- (f) Seek innovative solutions to problems while implementing town regulations and goals; and
- (g) Participate in various local and regional groups. (2002 Code, § 1-301, as amended by Ord. #20-13, May 2020)

1-302. Appointment of town manager. The town manager shall be approved by a majority of the board of commissioners for a term approved by the board. The manager shall be chosen by the board solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practices in respect to the duties of the office hereinafter set forth. No member of the board of commissioners shall receive such appointment neither during the term for which the member shall have been elected nor within one (1) year after the expiration of the member's term. (2002 Code, § 1-302, as amended by Ord. #20-12, June 2020)

1-303. Removal of town manager. Subject to, and provided in, the provisions of any contract between the town and the town manager, the board of commissioners may remove the town manager at any time by a majority vote of its members. (2002 Code, § 1-303, as amended by Ord. #20-21, June 2020)

1-304. Board not to interfere with appointments or removals. Subject to the provisions of § 1-301, neither the board of commissioners, nor any of its members shall direct or request the hiring of any person to, or removal from, office by the town manager or any of the manager's subordinates, or in any manner take part in the hiring or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the board and its members shall deal with the administration solely through the town manager, and neither the board nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. (2002 Code, § 1-304)

1-305. Binding contracts. (1) The town manager shall be delegated the authority to enter into contracts on behalf of the Town of Nolensville for routine matters and matters having insubstantial long-term consequences.

(2) Expenditures for any contract for "matters of insubstantial long-term consequences" shall be less than ten thousand dollars (\$10,000.00) during the fiscal year. (Ord. #20-27, Oct. 2020)

1-306. To be bonded. (1) Surety bonds in the amount of ten thousand dollars (\$10,000.00) shall be required for the town manager.

(2) The Town of Nolensville shall pay the cost of all required surety bonds. (Ord. #20-28, Oct. 2020)

1-307. Severability. It is expressly declared that the board of commissioners would have passed the other provision of this chapter irrespective of whether or not one (1) or more provisions may be declared invalid. The provisions of this chapter shall be deemed severable and if any provisions of this chapter, or the application thereof, to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. (2002 Code, § 1-306)

CHAPTER 4

RECORDER, FINANCE DIRECTOR

SECTION

1-401. To be bonded.

1-401. To be bonded. (1) Surety bonds in the amount of ten thousand dollars (\$10,000.00) shall be required for the town recorder and finance director.

(2) The Town of Nolensville shall pay the cost of all required surety bonds. (Ord. #20-28, Oct. 2020)

CHAPTER 5

DEPARTMENTS

SECTION

1-501. Establishment of town departments.

1-501. Establishment of town departments. (1) The following town departments and offices are hereby established:

- (a) Town administration;
- (b) Building codes department;
- (c) Engineering department;
- (d) Finance department;
- (e) Human resources department;
- (f) Municipal court;
- (g) Planning department;
- (h) Police department;
- (i) Public works department;
- (j) Office of the town attorney; and
- (k) Office of the town recorder.

(2) For the purpose of satisfying *Tennessee Code Annotated*, § 6-21-301, which requires the creation of four (4) specific departments, the Town of Nolensville shall make the following substitutions:

<u>Required by State Law</u>	<u>Equivalent Created by this Chapter</u>
Department of education	Not applicable
Department of finance	Finance department
Department of public safety	Police department
Department of public works and welfare	Public works department

(Ord. #20-26, Oct. 2020)

CHAPTER 6

CODE OF ETHICS¹

SECTION

- 1-601. Preamble.
- 1-602. Applicability.
- 1-603. Definition of "personal interest."
- 1-604. Disclosure of personal interest by official with vote.
- 1-605. Disclosure of personal interest in non-voting matters.
- 1-606. Acceptance of gratuities, etc.
- 1-607. Use of information.
- 1-608. Use of municipal time, facilities, etc.
- 1-609. Use of position or authority.
- 1-610. Outside employment.
- 1-611. Ethics complaints.
- 1-612. Violations and penalty.

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*, 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.

A brief synopsis of each of these laws appears in the appendix of the municipal code.

1-601. Preamble. The citizens of Nolensville are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity. Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. To this end, the Town of Nolensville Board of Commissioners adopts this code of ethics for the Town of Nolensville to assure public confidence in the integrity of local government and its effective and fair operation. (2002 Code, § 4-501)

1-602. 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. (2002 Code, § 4-502)

1-603. Definition of "personal interest". (1) For purposes of §§ 1-604 and 1-605, "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. (2002 Code, § 4-503)

1-604. 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. (2002 Code, § 4-504)

1-605. 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 policy, recuse himself from the exercise of discretion in the matter. (2002 Code, § 4-505)

1-606. 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;

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business; or

(3) Notwithstanding the provisions of this chapter, an official or town employee may accept a gift and/or gratuity not to exceed twenty-five dollars (\$25.00) per occasion as a sign of appreciation from the public. (2002 Code, § 4-506)

1-607. 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. (2002 Code, § 4-507)

1-608. 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

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

lease that is determined by the governing body to be in the best interests of the municipality. (2002 Code, § 4-508)

1-609. 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. (2002 Code, § 4-509)

1-610. 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. (2002 Code, § 4-510)

1-611. 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 (2), 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 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 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. (2002 Code, § 4-511)

1-612. 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. (2002 Code, § 4-512)