

## TITLE 1

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

#### CHAPTER

1. TOWN COUNCIL.
2. MAYOR.
3. RECORDER.
4. TOWN ADMINISTRATOR.
5. TREASURER.
6. BOOKKEEPER/ASSISTANT TO THE FINANCE OFFICER.
7. CODE OF ETHICS.

#### CHAPTER 1

### TOWN COUNCIL<sup>2</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Passage of ordinances.
- 1-105. Smoking during meetings prohibited.

**1-101. Time and place of regular meetings.** The town council shall hold regular monthly meetings at 7:30 P.M. on the First and Third Thursday of each month at the town hall. (1989 Code, § 1-101)

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#### <sup>1</sup>Charter 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.

#### <sup>2</sup>Charter references

Oath: § 7.

Qualifications: § 3.

Term of office: § 4.

Vacancy in office: § 7.

**1-102. Order of business.** At each meeting of the town council,<sup>1</sup> 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 town council, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1989 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 town council 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. (1989 Code, § 1-103, modified)

**1-104. Passage of ordinances.**<sup>2</sup> All ordinances are to be passed on one reading, including all town budgets. (Ord. #99-19-08A, Aug. 1999)

**1-105. Smoking during meetings prohibited.** Smoking in the town hall is prohibited during and while all town council and water board meetings are in session. However, smoking is permissible outside the building during these meetings. Any person violating this section will be excused from the meetings by the presiding officer. (1989 Code, § 1-105)

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<sup>1</sup>Section 3 of the charter says that the mayor and board of aldermen shall constitute the town council. All references to the board of mayor and aldermen throughout this code have been changed to town council.

<sup>2</sup>Charter reference: § 19(28).

**CHAPTER 2****MAYOR<sup>1</sup>****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. Mayor to countersign checks.

**1-201. Generally supervises town's affairs.** The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1989 Code, § 1-201)

**1-202. Executes town's contracts.** The mayor shall execute all contracts as authorized by the town council. (1989 Code, § 1-202)

**1-203. Mayor to countersign checks.** The mayor shall countersign all checks or warrants drawn against the town by the treasurer. (1989 Code, § 1-203)

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<sup>1</sup>Charter references

Duties: § 20.

Oath: § 7.

Qualifications: § 20.

Term of office: §§ 4 and 20.

Vacancy in office: §§ 7 and 20.

## CHAPTER 3

### RECORDER<sup>1</sup>

#### SECTION

- 1-301. To be bonded.
- 1-302. To perform general administrative duties, etc.
- 1-303. To preserve ordinances.
- 1-304. To keep records of privilege licenses.
- 1-305. Compensation.

**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 town council before assuming the duties of office. (1989 Code, § 1-401)

**1-302. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the town council and for the town 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 town shall provide. (1989 Code, § 1-404)

**1-303. To preserve ordinances.** The recorder shall preserve the original copy of all ordinances in a separate ordinance book. (1989 Code, § 1-402)

**1-304. To keep records of privilege licenses.** The recorder shall keep accurate records of all privilege licenses issued and of all fees received therefrom. Such records shall be maintained in accordance with generally accepted municipal accounting procedures and shall be made available to the treasurer. (1989 Code, § 1-403)

**1-305. Compensation.** The recorder shall receive such monthly salary as shall be provided by ordinance for the satisfactory performance of his duties. (1989 Code, § 1-405)

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<sup>1</sup>Charter references

Bond: § 10a.

Compensation: § 10a.

Duties: § 10a.

## CHAPTER 4

### TOWN ADMINISTRATOR<sup>1</sup>

#### SECTION

1-401. Created; appointment.

1-402. Duties.

**1-401. Created; appointment.** The position of town administrator is hereby created, and Kenneth R. Veach is hereby promoted to this position with the same salary that he is presently earning which includes the position of building inspector. (Ord. #93-16-12G, \_\_)

**1-402. Duties.** The town administrator shall be responsible for carrying out the policies adopted by the town council. He shall assist the mayor in administering the town business under the city charter and ordinances passed by the town council as further described.

The town administrator shall supervise the administrative affairs of the town. he shall be in charge of health and safety of persons and property, and the enforcement of the laws, ordinances and franchises, and the development and utilization of the city's resources. He shall make such reports and recommendations as he may deem desirable and perform other duties he may be called upon by the mayor and council not inconsistent with the charter.

The town administrator shall issue and prepare administrative regulations governing the operations with relationships of the water and street departments.

The town administrator shall advise the mayor and town council of any problems in the town with his recommendation and shall also advise the mayor regarding any matters that the mayor has jurisdiction over by the city charter.

The town administrator shall have charge of the general administration of the financial affairs of the town. He shall prepare a town budget as required by law to be submitted to the town council the first regular meeting in March each year for approval.

The town administrator shall be responsible for the town purchasing and shall be in charge of the management of town property and equipment. Formal sealed bids shall be obtained in all transactions involving the expenditure of \$2,000.00 or more, and the transaction shall be submitted to and approved by the town council, unless the town council states in the minutes that there is

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<sup>1</sup>Charter references

Appointment: § 25.

Duties: § 25.

clearly no advantage of the town to contract with competitive bidding. This also applies to professional services.

The town administrator shall be responsible for development and revise as necessary a comprehensive pay plan and personnel rules setting out employment conditions, for submission and approval by the town council. He shall investigate complaints made to him in writing. He shall maintain a central personnel file on all town employees.

The town administrator shall serve at the pleasure of the town council. The mayor shall have general supervision of the town administrator. Disciplinary action may be taken by the mayor against the administrator under the same rules governing all town employees, up to and including thirty (30) days suspension. Any suspension of the town administrator may be appealed to the town council, within ten (10) days. (Ord. #93-16-12G, \_\_)

**CHAPTER 5****TREASURER****SECTION**

1-501. To make a finance report.

**1-501. To make a finance report.** The treasurer shall deliver monthly to the town administrator, a finance report showing in as much detail as is possible, the receipts and disbursements of all money (consisting of revenues, expenditures, and encumbrances) that has come into his hands for the past month.

This report shall be made available in the mayor/town administrator's office for inspection by the members of town council, or any other interested parties. (Ord. #91-09-19A, Sept. 1991)

**CHAPTER 6****BOOKKEEPER/ASSISTANT TO THE FINANCE OFFICER****SECTION**

1-601. Position created.

1-602. City administrator to supervise.

**1-601. Position created.** The position for bookkeeper/assistant to the finance officer is hereby created as a permanent part-time position. (Ord. #98-10-08, Aug. 1998)

**1-602. City administrator to supervise.** The newly created bookkeeper/assistant to the finance officer will serve at the will of the town council with the city administrator as being the immediate supervisor and will work under the direction of the finance officer. (Ord. #98-10-08, Aug. 1998)

## CHAPTER 7

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-701. Applicability.
- 1-702. Definition of "personal interest."
- 1-703. Disclosure of personal interest by official with vote.
- 1-704. Disclosure of personal interest in non-voting matters.
- 1-705. Acceptance of gratuities, etc.
- 1-706. Use of information.
- 1-707. Use of municipal time, facilities, etc.
- 1-708. Use of position or authority.
- 1-709. Outside employment.
- 1-710. Ethics complaints.
- 1-711. Violations.

**1-701. Applicability.** This chapter is the code of ethics for personnel of the Town of Oliver Springs. 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 town. (as added by Ord. #07-05-03, May 2007)

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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 Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: T.C.A. title 2, chapter 10.

Conflict of interests: T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: T.C.A. § 39-16-401 and the following sections.

Ouster law: T.C.A. § 8-47-101 and the following sections.

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

**1-702. Definition of "personal interest."** (1) For purposes of §§ 1-703 and 1-704, "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. (as added by Ord. 07-05-03, May 2007)

**1-703. 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. (as added by Ord. 07-05-03, May 2007)

**1-704. 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 manner. (as added by Ord. 07-05-03, May 2007)

**1-705. 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:

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

(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. (as added by Ord. 07-05-03, May 2007)

**1-706. 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. (as added by Ord. 07-05-03, May 2007)

**1-707. 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. (as added by Ord. 07-05-03, May 2007)

**1-708. 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. (as added by Ord. 07-05-03, May 2007)

**1-709. 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. (as added by Ord. 07-05-03, May 2007)

**1-710. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the town. 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 town'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. (as added by Ord. 07-05-03, May 2007)

**1-711. 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 town'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. (as added by Ord. 07-05-03, May 2007)