

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

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

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.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

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

City Administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of Mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

- 1-104. Compensation of aldermen.
- 1-105. Aldermen elected from wards.
- 1-106. Powers and duties.
- 1-107. Compensation for officers and employees.
- 1-108. Elections date changed to November general election.
- 1-109. Administrative duties performed by annual appointment.
- 1-110. Compensation of officers, department heads and employees.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:30 P.M. on the second Tuesday of each month at the town hall. (1969 Code, § 1-101, as replaced by Ord. #336, Sept. 2021 *Ch10_09-12-23*)

1-102. Order of business. At each meeting of the board of mayor and aldermen 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, aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1969 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 board of mayor and aldermen 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. (1969 Code, § 1-103, modified)

1-104. Compensation of aldermen. Each alderman shall receive the amount specified in the annual fiscal year budget of the town for each regular or special called meeting of the board of mayor and aldermen he or she attends. (1969 Code, § 1-104, as amended by Ord. #133, July 1985, and Ord. #211, Sept. 2003)

1-105. Aldermen elected from wards. The town is divided into three wards as shown on the ward map of record in the recorder's office.¹ Two

¹State law reference

aldermen shall be elected from each ward by the voters at large. (1969 Code, § 1-105)

1-106. Powers and duties. The board of mayor and aldermen shall approve all employment, promotions, disciplinary actions, suspensions, and discharges of any employee, officer, or department heads in accordance with the personnel policies and procedures that have been adopted or may be adopted by the board of mayor and aldermen. (Ord. #159, Sept. 1991, as amended by Ord. #215, Oct. 2004)

1-107. Compensation for officers and employees. Compensation for all officers and employees of the town shall be made by the board and adopted as part of the annual budget of the town. (Ord. #159, Sept. 1991)

1-108. Election date changed to November general election. (1) The terms of the mayor and aldermen elected in December 2007 shall be extended from the first day of January 2008 until the thirtieth day of November of 2012 after the election on the Tuesday after the first Monday in November of 2012, which will increase their terms by eleven (11) months.

(2) The terms of the three alderman elected in December of 2005 shall be extended to the thirtieth of November 2010 after the election on the Tuesday after the first Monday in November 2010, which will increase their terms by eleven (11) months. (as added by Ord. #215, Oct. 2004)

1-109. Administrative duties performed by annual appointment. The administrative duties of the town will be performed by an annual appointment by the board of aldermen appointee. This may be the mayor, city recorder, or another employee of the Town of Tazewell, Tennessee. All appointments to this position will be in compliance with state law, ordinances of the Town of Tazewell, Tennessee and any other requirements that may be applicable in the future. The board of mayor and aldermen reserve the right to make adjustments or reappoint entirely the administrative duties set forth in the annual appointment. If the mayor is appointed then, this appointee will be governed by the duties set forth in Tennessee Code Annotated, § 6-3-106 and any policies, ordinances, and procedures adopted by the board of mayor and aldermen. If the board of aldermen appoints the city recorder then, this appointee will be governed by the duties set forth in Tennessee Code Annotated, § 6-4-101 and any polices, ordinances, and procedures adopted by the board of mayor and aldermen. At the annual appointment of the administrator, the board of mayor and aldermen may dictate a joint administration to share the duties between the mayor's office and the appointee. This shall be done in writing to

(...continued)

Tennessee Code Annotated, §§ 6-54-101 and 6-54-102.

promote the most efficient and clairvoyant instruction to the appointee for the day to day needs of the town and reflect state law, ordinances, policies and procedures adopted by the board of mayor and aldermen. (as added by Ord. #215, Oct. 2004)

1-110. Compensation of officers, department heads and employees. Compensation for all officers, department heads, and employees of the Town of Tazewell, Tennessee shall be made by the board of mayor and aldermen and adopted as part of the annual budget of the town. (as added by Ord. #215, Oct. 2004)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Expense allowance.
- 1-204. Compensation.
- 1-205. Powers and duties.

1-201. Generally supervises town's affairs. The mayor 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 executive responsibilities.² (1969 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts authorized by the board of mayor and aldermen. (1969 Code, § 1-202)

1-203. Expense allowance. The mayor shall receive one hundred and fifty dollars (\$150.00) per month for expenses. (1969 Code, § 1-203)

1-204. Compensation. The mayor shall receive the amount specified in the annual fiscal year budget of the town for each regular or special called meeting of the board of mayor and aldermen he or she attends. (1969 Code, § 1-104, as amended by Ord. #133, July 1985, and Ord. #211, Sept. 2003)

1-205. Powers and duties. The mayor shall be authorized to see that all department heads and employees are carrying out the duties, directives, and procedures set forth by the board. The mayor will counter sign all warrants or checks issued by the town or authorize other members of the board in his absence to counter sign with the city recorder. The mayor must approve any suspension, disciplinary actions or discharges of any officer or employee made by the board's administrative appointee, unless it is the mayor that has been appointed to this position by the board. In this case this will be considered a

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: § 6-3-107.

Vice-Mayor: § 6-3-107.

²Charter reference

Duties of mayor: § 6-3-106.

temporary action until the next meeting of the board of mayor and aldermen.
(Ord. #159, Sept. 1991, as replaced by Ord. #215, Oct. 2004)

CHAPTER 3

RECORDER¹

SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. [Deleted].
- 1-304. Powers and duties.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by the board of mayor and aldermen and with such surety as may be acceptable to the board. (1969 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1969 Code, § 1-302)

1-303. [Deleted]. (1969 Code, § 1-303, as deleted by Ord. #215, Oct. 2004)

1-304. Powers and duties. The Board of Mayor and Aldermen of the Town of Tazewell, Tennessee shall appoint a city recorder and will perform the duties set forth in Tennessee Code Annotated, §§ 6-4-201, 202, 203, and 204. If the city recorder is not appointed to the administrative role as defined in § 1-110 of this chapter the recorder may serve as finance director or treasurer or both as stated in Tennessee Code Annotated, § 6-4-201. If the board does not appoint an individual to this department the city recorder shall be judge if the position is not filled by appointment by the board of mayor and aldermen as set forth in Tennessee Code Annotated, § 6-4-301. (Ord. #159, Sept. 1991, as replaced by Ord. #215, Oct. 2004)

¹Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(C).

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 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.

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 (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.

1-410. Ethics complaints.

1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the Town of Tazewell, Tennessee. 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. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #232, June 2007)

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. (as added by Ord. #232, June 2007)

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. (as added by Ord. #232, June 2007)

1-404. Disclosure of personal interest in non-voting matters. An official or an employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that

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

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. (as added by Ord. #232, June 2007)

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. (as added by Ord. #232, June 2007)

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. (as added by Ord. #232, June 2007)

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. (as added by Ord. #232, June 2007)

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. (as added by Ord. #232, June 2007)

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. (as added by Ord. #232, June 2007)

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 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. #232, June 2007)

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. (as added by Ord. #232, June 2007)