

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MISCELLANEOUS.
3. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

SECTION

- 1-101. Elections.
- 1-102. Duties.
- 1-103. Salaries of the board of mayor and aldermen.
- 1-104. Special called meetings.

1-101. Elections. (1) Pursuant to Public Chapter 77 of the Public Acts of 1997 the Town of Unicoi hereby increases the number of aldermen from two (2) to four (4).

(2) There shall continue to be one (1) ward in the town.

(3) This section shall take effect at the next municipal election, but shall not affect the present terms of members of the board of mayor and aldermen.

(4) There shall be a transitional election following the adoption of the section in which the mayor and/or aldermen running for office shall be elected for terms that will expire at the next municipal election: being the election of 2000.

(5) At the 2000 election the mayor shall be elected for a term of four (4) years. The two (2) aldermen receiving the highest number of votes shall be

¹Charter references

See the charter index, the charter itself and footnote references to the charter in the front of this code.

Municipal code references

Utilities: titles 18.

Wastewater treatment: title 18.

Zoning: title 14.

elected to four (4) year terms; the third and fourth highest vote totals shall be elected to two (2) year terms. At the next election, all terms shall be for four (4) years. (2004 Code, § 1-101)

1-102. Duties. (1) The mayor shall supervise the day-to-day affairs of the town.

(2) The mayor shall perform the duties set forth in *Tennessee Code Annotated*, §§ 6-3-106(b) and 6-4-101. (2004 Code, § 1-102)

1-103. Salaries of the board of mayor and aldermen. (1) The mayor and aldermen shall be paid for the regular monthly board of mayor and aldermen meetings as budgeted in the budget ordinance regardless of the length of said meetings.

(2) Additional meetings of the board shall not be compensated unless said meetings extend for four (4) hours or more. (Ord. #2020-281, Jan. 2021)

1-104. Special called meetings. (1) Upon request of a citizen for a special called meeting of any the board of mayor and aldermen, the municipal planning commission and/or the board of zoning appeals or for a public hearing for rezoning or other purposes which requires advertising and/or posting of the proposed change, and upon approval of calling of such special meeting the party or entity requesting the special called meeting or public hearing shall pay the cost of attendance of the board member and/or commission members affected and the cost of advertising and posting public hearings for rezoning requests or other matters.

(2) The party or entity requesting the special called meeting shall not be required to pay costs of board and commission members attendance at regular meetings, but only for called meetings requested by the citizen or entity needing the special called meeting. (Ord. #2021-289, June 2021)

CHAPTER 2

MISCELLANEOUS

SECTION

1-201. Conduct at public meetings.

1-202. Copies of documents.

1-201. Conduct at public meetings. (1) No person shall commit on property of the Town of Unicoi or while participating in governmental functions of the Town of Unicoi at any location any act which, while not specifically prohibited by charter, ordinance or resolution of the Town of Unicoi, constitutes a misdemeanor under the statutes of the state or at common law and is punishable by state statute or common law by fine and/or imprisonment.

(2) The board of mayor and aldermen may enforce orderly conduct at its meetings, and at any and all other times on the property of the Town of Unicoi and at any and all other governmental functions of the Town of Unicoi at any location. The Town of Unicoi may request or designate law enforcement personnel to serve as sergeant-at-arms for any meeting or other governmental function of the Town of Unicoi.

(3) Procedure for all meetings of the Town of Unicoi shall be conducted in substantial conformity with the procedure set forth in *Robert's Rules of Order, Newly Revised*. (2004 Code, § 1-201)

1-202. Copies of documents. The board of mayor and aldermen wishes to provide incidental copying service to the citizens of the Town of Unicoi, and will copy up to ten (10) pages per month, at no charge. Businesses wishing to make copies or businesses wishing to obtain copies of town documents, will be charged fifty cents (\$0.50) per copy for provision of this service. Work copies utilized by town officials and press packets utilized at town meetings are exempt from this copy fee. (2004 Code, § 1-202)

CHAPTER 3

CODE OF ETHICS¹

SECTION

- 1-301. Applicability.
- 1-302. Definition of personal interest.
- 1-303. Disclosure of personal interest by official with vote.
- 1-304. Disclosure of personal interest in nonvoting matters.
- 1-305. Acceptance of gratuities, etc.
- 1-306. Use of information.
- 1-307. Use of municipal time, facilities, etc.
- 1-308. Use of position or authority.
- 1-309. Outside employment.
- 1-310. Ethics complaints.
- 1-311. Violations and penalty.

1-301. Applicability. This chapter is the code of ethics for personnel of the Town of Unicoi. 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 "town" or "Town of Unicoi" include these separate entities. (2004 Code, § 4-301)

¹State statutes dictate many of the ethics provisions that apply to municipal official 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, chapter 10.

Conflict of interests: *Tennessee Code Annotated*, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interest 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.

1-302. Definition of personal interest. (1) For purposes of §§ 1-303 and 1-304, "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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (2004 Code, § 4-302)

1-303. 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 excuse himself¹ from voting on the measure. (2004 Code, § 4-303)

1-304. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, excuse himself from the exercise of discretion in the matter. (2004 Code, § 4-304)

1-305. 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 town:

¹Masculine 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. (2004 Code, § 4-305)

1-306. 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. (2004 Code, § 4-306)

1-307. 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 town. (2004 Code, § 4-307)

1-308. Use of position or authority. (1) An official or employee may not take 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 town. (2004 Code, § 4-308)

1-309. 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 town's charter or any ordinance or policy. (2004 Code, § 4-309)

1-310. Ethics complaints. (1) The town 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 town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The town attorney may request that the board of mayor and aldermen hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest 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 board of mayor and aldermen, the board of mayor and aldermen 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 board determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the board of mayor and aldermen.

(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. (2004 Code, § 4-310)

1-311. 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 town's charter or other applicable law and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (2004 Code, § 4-311)