

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. ADMINISTRATIVE ORGANIZATION.
3. OFFICERS AND EMPLOYEES.
4. CITY ATTORNEY.
5. CODE OF ETHICS.

¹Charter 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.

Wastewater treatment: title 18.

Zoning: title 14.

CHAPTER 1

CITY COUNCIL¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Wards.
- 1-105. Vice mayor's term.

1-101. Time and place of regular meetings. The city council shall hold regular meetings at 5:30 P.M. on the 4th Monday of each month at the City Hall Building. (1991 Code, § 1-101)

1-102. Order of business. At each meeting of the city council, 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.

¹Charter references

- Budgetary authority: art. V, §§ 5-6.
- Compensation: art. II, § 7.
- Election: art. I, §§ 1-10.
- Employee compensation and benefits: art. VI, §§ 3-4.
- Legislative powers
 - General: art. I, § 1.
 - Specific: art. III, § 1.
- Mayor--duties, powers, etc.: art. II, § 4.
- Meetings: art. II, § 2.
- Oaths of office: art. I, § 12.
- Ordinances: art. II, §§ 8-9.
- Qualifications: art. I, § 6.
- Quorum: art. II, § 3.
- Rules and order of business: art. II, § 6.
- Term of office: art. I, § 8.
- Time taking office: art. I, § 11.
- Vacancies in office: art. I, §§ 8, 13.
- Vice mayor: art. II, § 5.

- (3) Approval of the agenda.
- (4) Prayer and Pledge of Allegiance.
- (5) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (6) Recognition of visitors and citizens.
- (7) Communications from the mayor.
- (8) Reports from committees, members of the city council, and other officers.
- (9) Ordinances and resolutions.
- (10) Old business.
- (11) New business.
- (12) Adjournment. (1991 Code, § 1-102, modified)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 12th Edition, shall govern the transaction of business by and before the city 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. (1991 Code, § 1-103, modified)

1-104. Wards.¹ The City of Clinton shall be divided into three (3) wards with boundary descriptions as follows:

First Ward. Being all of the area or territory in the City of Clinton lying within the described area:

Beginning at a point, said point being the common intersection of the Southern Railway and the south bank of the Clinch River. Thence running in a southerly and westerly direction along the south bank of the Clinch River to its intersection with the existing corporate limits. Thence along existing corporate limits to its intersection and crossing of the Southern Railway. Thence continuing along existing corporate limits to its intersection with West Broad Street. Thence running in a southeasterly direction along West Broad Street to its intersection with Southern Railroad. Thence running in an easterly direction along the Southern Railroad to the point of beginning.

Second Ward. Being all of the area or territory in the City of Clinton lying within the described area:

Beginning at a point, said point being the common intersections of North Main Street and the Southern Railway. Thence following the Southern Railway

¹Charter references

Elections in general: art. I.

Provision for wards: art. I, § 1.

Residency in: art. I, § 6.

Removing residency from: art. I, §§ 8, 13.

in a westerly direction to its intersection with West Broad Street. Thence running in a northerly and westerly direction along West Broad Street to the corporate limits. Thence following the existing corporate limits to its intersection with the Southern Railway. Thence running in a southerly direction along the Southern Railway to its intersection with North Fowler Street. Thence running in a southwesterly direction along North Fowler Street to its intersection with Scruggs Street. Thence running in a northwesterly direction along Scruggs Street to its intersection with Sharp Street. Thence west along Sharp Street to its intersection with North Main Street. Thence in a southwesterly direction along North Main Street to the point of beginning.

Third Ward. Being all of the area or territory in the City of Clinton lying within the described area:

Beginning at a point, said point being the common point of intersection with the Southern Railway and the south bank of the Clinch River. Thence running in a westerly direction along the south bank of the Clinch River to its intersection with the existing corporate limits. Thence running in a southerly, westerly and east and northerly directions along the existing corporate limits to its intersection with the Southern Railway. Thence running in a southwesterly direction along the Southern Railway to its intersection with North Fowler Street. Thence running in a southwesterly direction along North Fowler Street to its intersection with Scruggs Street. Thence running in a northwesterly direction along Scruggs Street to its intersection with Sharp Street. Thence running in a westerly direction along Sharp Street to its intersection with North Main Street. Thence running in a southwesterly direction along North Main Street to its intersection with the South Railway. Thence running in a southerly direction along Southern Railway to the point of beginning. (1991 Code, § 1-104)

1-105. Vice mayor's term. The vice mayor provided for in article II, § 5, of the Clinton City Charter shall be chosen and take office at the first meeting of the new city council after each regular city election to serve for two (2) years and until a successor is chosen. Vacancies in the office of vice mayor shall be filled by the city council for the unexpired term. (1991 Code, § 1-105)

CHAPTER 2

ADMINISTRATIVE ORGANIZATION¹

SECTION

1-201. Plan of administrative organization.

1-201. Plan of administrative organization. The plan of administrative organization reflected on the organization chart² is hereby adopted to provide the city with general government, finance, health, welfare, police, recreation, fire, library, public works and other municipal services. (1991 Code, § 1-201)

¹Charter references

City manager

Appointment, qualifications, term: art. IV, § 1.

Absence of: art. IV, § 2.

Budgetary and financial duties and powers: art V, §§ 1-2, 4-5, 8-10.

General duties and powers described: art. IV, § 4.

Personnel authority: art. V, art VI, § 1-4.

Recorder

Appointment, duties, etc.: art. IV, § 6.

Recording and preserving ordinances, etc.: art. II, § 10.

²The organizational chart (and any amendments) is on file with the city recorder.

CHAPTER 3**OFFICERS AND EMPLOYEES¹****SECTION**

1-301. Surety bonds of officers and employees.

1-301. Surety bonds of officers and employees. The following city officers or employees shall be bonded in such sums as indicated.

(1) City manager in the sum of one hundred thousand dollars (\$100,000.00).

(2) Finance director in the sum of one hundred thousand dollars (\$100,000.00).

(3) City recorder in the sum of fifty thousand dollars (\$50,000.00).

¹Charter references

Appointment, duties, etc.: art. IV, § 6.

Recording and preserving of ordinances, etc.: art. II, § 10.

CHAPTER 4

CITY ATTORNEY

- 1-401. Appointment.
- 1-402. Qualifications.
- 1-403. Temporary absence.

1-401 Appointment. The city attorney designated by the charter to provide advise to the city council, city manager and other officers of the city concerning legal aspects of the city's affairs shall be appointed by the city council and shall serve at the will of the city council. City council shall appoint a city attorney for a term of four (4) years at the January council meeting of the starts of the third year of the mayor's term of office. Vacancies in the office of the city attorney arising for resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city attorney.

1-402 Qualifications. The city attorney shall have a minimum of five (5) years of experience as a licensed attorney in the State of Tennessee and be entitled to practice law in all courts in the State of Tennessee.

1-403 Temporary absence. Should the city attorney be unable to perform the duties of the office for thirty (30) consecutive days for any reason or at any time, the city council may appoint a city attorney to serve until the city attorney returns to his duties or the office of city attorney is no longer vacant.

CHAPTER 5

CODE OF ETHICS¹

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations and penalty.

1-501. Applicability. This chapter is the code of ethics for personnel of the City of Clinton, 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 city. The words "municipal" and "City of Clinton" include these separate entities. (1991 Code, § 4-101)

1-502. Definition of "personal interest." 1. For purposes of §§ 1-503 and 1-504, "personal interest" means:

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative the following, see the 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. 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 interest; 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), grandparents(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 provision of this chapter. (1991 Code, § 4-102)

1-503. 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. (1991 Code, § 4-103)

1-504. 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. (1991 Code, § 4-104)

1-505. 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 city:

(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

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (1991 Code, § 4-105)

1-506. 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. (1991 Code, § 4-106)

1-507. 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 city council to be in the best interests of the city. (1991 Code, § 4-107)

1-508. 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 city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for him or others that are not authorized by the charter, general law, or ordinance or policy of the city. (1991 Code, § 4-108)

1-509. Outside employment. A full-time employee of the city may not accept any outside employment without written authorization from the city manager. (1991 Code, § 4-109, modified)

1-510. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. 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 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 city council 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 city's council, city council 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 council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(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. (1991 Code, § 4-110)

1-511. Violations and penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violated any provision of this chapter is subject to punishment as provided by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (1991 Code, § 4-111)