

## TITLE 1

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

#### CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. DIRECTOR OF PUBLIC WORKS.
5. CODE OF ETHICS.

#### CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

#### SECTION

- 1-101. Order of business.
- 1-102. General rules of order.
- 1-103. Committees and purchasing.
- 1-104. Salaries of aldermen and mayor.

**1-101. 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) Invocation.

#### <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

Composition board, quorum: § 3.  
 Election: § 4.  
 Miscellaneous powers: § 19.  
 Residency: § 7.  
 Vacancies: § 9.

- (3) Pledge of allegiance to flag.
- (4) Minutes of preceding minutes approved.
- (5) Report from committees.
- (6) Additions to the agenda.
- (7) Welcome to visitors; any grievances from citizens.
- (8) Report from mayor.
- (9) Report from recorder-treasurer.
- (10) Report from city attorney.
- (11) Old business.
- (12) New business. (1971 Code, § 1-101, modified)

**1-102. 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. (1971 Code, § 1-102, modified)

**1-103. Committees and purchasing.**<sup>1</sup> (1) Committees: The following regular committees are created for the City of Covington.

(a) Finance and administration committee areas of responsibility are:

- (i) Finance;
- (ii) Budget;
- (iii) Insurance;
- (iv) Purchasing;
- (v) Taxation;
- (vi) Employment;
- (vii) Legal services.

(b) Public works committee areas of responsibility are:

- (i) Water;
- (ii) Sewer;
- (iii) Gas;
- (iv) Streets;
- (v) Sanitation;
- (vi) Drainage;
- (vii) Street lights;
- (viii) Maintenance.

(c) General welfare – public safety.

- (i) Fire;

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<sup>1</sup>Municipal code reference

Purchasing: title 5, chapter 5.

- (ii) Police;
- (iii) Emergency management.
- (d) General welfare-public relations committee areas of responsibility are:
  - (i) Airport;
  - (ii) Parks and recreation.
- (e) Member to City of Covington Board of Public Utilities;
- (f) Member to Covington Municipal-Regional Planning Commission.

(2) The finance and administration committee shall have six (6) members, and the general welfare-public safety, general welfare-public relations, and public works committees shall have three (3) members and one (1) member as member of City of Covington Board of Public Utilities, and one (1) member of the Covington Municipal-Regional Planning Commission who shall be appointed by the mayor with the approval of the board of aldermen, such appointments to be made at the first meeting in December of each even year. The mayor shall have one (1) person from each district on each committee. The mayor shall be an ex-officio member of each committee and shall have the same voting rights of other committee members.

(3) All committees shall serve for a term of two (2) years. If the mayor fails to make appointments within thirty (30) days of the prescribed time, the board of aldermen shall have the right to make such appointments. The mayor shall name the chairman of the committees.

(4) If a vacancy shall occur on any committee, for any reason whatsoever, the vacancy shall be filled by the mayor with the approval of the board of aldermen at the first meeting of the board of mayor and aldermen after such vacancy occurs. If the mayor fails, neglects or refuses to fill the vacancy, the board of aldermen shall have the right to fill such vacancy provided that the vacancy has existed for a period of thirty (30) days or more.

(5) Each committee or committee member shall deal with various agencies, officers and employees of the city, except boards and commissions authorized by the city charter, through the mayor, and shall not have direct supervisory authority over any subordinates of the mayor, either publicly or privately.

(6) The committees shall function to assist the board in making decisions on any designated matter requiring a board decision and approval. In carrying out this function the committee gathers facts, conducts research, evaluates and investigates. Through these actions the committee provides a written report of its findings and recommendations to the full board for corporate decision and action.

Nothing herein contained shall prevent committees from conducting such inquiries into the operations of the city government and the conduct of the city's affairs as it may deem necessary. (Ord. #1279, April 1991, modified)

**1-104. Salaries of aldermen and mayor.** The salary of each member of the board of aldermen shall be six hundred dollars (\$600.00) per month, and the salary of the mayor of the board of mayor and aldermen shall be seventy-five thousand dollars (\$75,000.00) per year, and shall be a full-time position.<sup>1</sup> (1971 Code, § 1-104, as amended by Ord. #1456, Sept. 1999, Ord. #1528, July 2004, Ord. #1603, July 2010, and Ord. #1637, Nov. 2012)

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<sup>1</sup>Charter reference

Salaries of mayor and aldermen: § 13.

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

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

**1-201. Generally supervises city'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. (1971 Code, § 1-201)

**1-202. Executes city's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1971 Code, § 1-202)

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<sup>1</sup>Charter references

Election: § 4.

Powers and duties: § 22.

Residency: § 7.

## CHAPTER 3

### RECORDER AND TREASURER<sup>1</sup>

#### SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

**1-301. To be bonded.** The recorder and treasurer 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. (1971 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. (1971 Code, § 1-302, modified)

**1-303. To perform general administrative duties, etc.** The recorder and treasurer shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board to another corporate officer or employee. 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 city shall provide. (1971 Code, § 1-303)

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<sup>1</sup>Charter references  
Duties: § 25.

## CHAPTER 4

### DIRECTOR OF PUBLIC WORKS

#### SECTION

#### 1-401. Generally

**1-401. Generally.** (1) The board of mayor and aldermen of the City of Covington, Tennessee, shall employ a director of public works who shall be responsible for technical engineering services; streets, sidewalks, and drainage; storm and sanitary sewer inspection, cleaning, and repair; sewerage collection, treatment, and disposal; water supply, treatment, and distribution; natural gas distribution, customer servicing, and safety; refuse collection and disposal; parks and municipal buildings maintenance and repair; and automotive, construction, and related equipment care, use, servicing, and repair.

(2) He shall review overall municipal needs for public works construction and maintenance projects; formulate schedules, assignments, and work plans; and formulate program improvement plans, capital improvement program proposals, and appropriate recommendations for consideration by board committees and the board of mayor and aldermen.

(3) He shall organize, direct, coordinate, and review functional activities, work standards, and accomplishments with respect to all engineering, public works, and utility activities, except electric distribution, including engineering field surveys and inspections, and the coordination of maintenance and construction activities undertaken by private contractors and other utility operations within the public rights-of-way.

(4) He shall confer with and advise subordinates on problems of planning, maintenance, construction, and operation of public works facilities and utility systems; establish administrative and operational policies and procedures; instill public relations attitudes and employee pride in work accomplished; investigate and resolve complaints; explain policies activities, and objectives to employees and interested citizens; and carry on other activities in the development and improvement of public services under his direction.

(5) He shall perform related duties as required and assigned, including coordination with consulting engineers and state regulatory agencies. (1971 Code, § 1-1201)

## CHAPTER 5

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

#### 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.

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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 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.

A brief synopsis of each of these laws appears in Appendix B of this municipal code.



1-510. Ethics complaints.

1-511. Violations.

**1-501. 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. (Ord. #1557, Aug. 2006)

**1-502. Definition of "personal interest."** (1) For purposes of §§ 1-503 and 1-504, "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. (Ord. #1557, Aug. 2006)

**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 himself<sup>1</sup> from voting on the measure. (Ord. #1557, Aug. 2006)

**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

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

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. (Ord. #1557, Aug. 2006)

**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 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. (Ord. #1557, Aug. 2006)

**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. (Ord. #1557, Aug. 2006)

**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 governing body to be in the best interests of the municipality. (Ord. #1557, Aug. 2006)

**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 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. (Ord. #1557, Aug. 2006)

**1-509. 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. (Ord. #1557, Aug. 2006)

**1-510. 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. (Ord. #1557, Aug. 2006)

**1-511. 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. (Ord. #1557, Aug. 2006)