

TITLE 1**GENERAL ADMINISTRATION¹****CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER AND TREASURER.
4. DELETED.
5. 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.
- 1-104. Passage of ordinances.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first Monday of each month at the town hall. (1979 Code, § 1-101, as amended by Ord. #11-2013, Jan. 2014)

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

Elections: § 6.

Quorum: § 8.

Vacancies: § 8.

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 mayor.
- (2) Pledge to the flag.
- (3) Roll call by the recorder.
- (4) Approval or correction of minutes of the previous meeting.
- (5) Approval of financial statement.
- (6) Approval of bills.
- (7) Reports from committees, members of the board, and other officers.
- (8) Old business.
- (9) Citizen comments.
- (10) New business.
- (11) Adjournment. (1979 Code, § 1-102, as replaced by Ord. #11-2013, Jan. 2014)

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. (1979 Code, § 1-103, modified, and amended by Ord. #11-2013, Jan. 2014)

1-104. Passage of ordinances. All ordinances must be introduced in written form and passed on two (2) readings, after which they shall become effective in accordance with their terms. (1979 Code, § 1-104, as amended by Ord. #11-2013, Jan. 2014)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

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. (1979 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the town board. (1979 Code, § 1-202, as amended by Ord. #11-2013, Jan. 2014)

¹Charter references
Duties, etc.: § 9.
Oath: § 8.

CHAPTER 3

RECORDER AND TREASURER¹

SECTION

1-301. Offices of recorder and treasurer combined.

1-302. To be bonded.

1-303. To preserve ordinances.

1-304. To perform general administrative duties, etc.

1-301. Offices of recorder and treasurer combined. As authorized in section 11 of the town's charter, the offices of recorder and treasurer are hereby combined. (1979 Code, § 1-301)

1-302. To be bonded. The recorder and treasurer shall be bonded in the sum of two thousand five hundred dollars (\$2,500) with a surety company authorized to do business in Tennessee as surety. (1979 Code, § 1-302, modified)

1-303. To preserve ordinances. The recorder and treasurer shall preserve the original copy of all ordinances in a separate ordinance book. (1979 Code, § 1-303)

1-304. 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 town which are not assigned by the charter, this code, or the board of mayor and aldermen 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. (1979 Code, § 1-304, as amended by Ord. #11-2013, Jan. 2014)

¹Charter references
Duties, etc.: § 11.

CHAPTER 4

(this chapter was deleted by Ord. #1-2017, May 2017 *Ch7_01-07-19*)

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.

1-501. Applicability. This chapter is the code of ethics for personnel of the Town of Cumberland Gap. 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 Cumberland Gap" include these separate entities. (as added by Ord. #6-2006, Nov. 2006)

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 - T.C.A. title 2, chapter 10.

Conflict of interests - T.C.A. § 5 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. § 5-2-10-122, 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.

1-502. 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. (as added by Ord. #6-2006, Nov. 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 himself¹ from voting on the measure. (as added by Ord. #6-2006, Nov. 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 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. #6-2006, Nov. 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 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. (as added by Ord. #6-2006, Nov. 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. (as added by Ord. #6-2006, Nov. 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 board of mayor and aldermen to be in the best interests of the town. (as added by Ord. #6-2006, Nov. 2006, and amended by Ord. #11-2013, Jan. 2014)

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 town.

(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. (as added by Ord. #6-2006, Nov. 2006)

1-509. Outside employment. A full-time employee of the town may not accept any outside employment without written authorization from the mayor. (as added by Ord. #6-2006, Nov. 2006)

1-510. 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 board of mayor and aldermen 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 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 of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the city 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. (as added by Ord. #6-2006, Nov. 2006, and amended by Ord. #11-2013, Jan. 2014)

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 board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #6-2006, Nov. 2006, and amended by Ord. #11-2013, Jan. 2014)