

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. DEPUTY CITY CLERK.
3. RECORD RETENTION SCHEDULE.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

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

1-101. Time and place of regular meetings. The regular meetings of the Elizabethton City Council shall be held on the second Thursday in each

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, chapters 2--8.

²Charter references

For detailed provisions of the charter related to the election, and to general and specific powers and duties of the city council, see Tennessee Code Annotated, title 6, chapter 32. In addition, see the following provisions in the charter that outline some of the powers and duties of the city council:

Appointment and duties of city clerk: § 6-35-401.

Appointment and duties of city manager: title 6, chapter 35, part 2.

Election and duties of mayor: § 6-32-106.

Qualifications, elections, terms, vacancies and recall of councilmen:
title 6, chapter 31.

month. The council shall provide by resolution for the time of day and place of meeting. (2000 Code, § 1-101)

1-102. Order of business at council meetings. At each meeting of the 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 city clerk.
- (3) Approval of the minutes of the previous meeting.
- (4) Proclamations and/or recognition of citizens by the mayor.
- (5) Comments from citizens.
- (6) Communications from the city manager.
- (7) Appointment of boards, commissions and committees.
- (8) Reports from committees, members of the council, and other officers.
- (9) Old business.
- (10) New business.
- (11) Bids, purchases and expenses.
- (12) Adjournment. (2000 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 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. (2000 Code, § 1-103)

CHAPTER 2**DEPUTY CITY CLERK**¹**SECTION**

1-201. Appointment and duties.

1-201. Appointment and duties. The city manager may appoint such deputy city clerks as are necessary to assist the city clerk in routine matters such as preparing and certifying copies of official records in his office, and in the absence of the city clerk to serve in the capacity of the city clerk. Any person appointed deputy city clerk shall be a classified city employee in another capacity and the duties and responsibilities as deputy city clerk shall be in addition to those assigned for the classified position. (2000 Code, § 1-201)

¹Charter reference
City clerk: § 6-35-401.

CHAPTER 3**RECORD RETENTION SCHEDULE****SECTION**

1-301. Adoption of record retention schedule.

1-301. Adoption of record retention schedule. The City of Elizabethton does hereby adopt the record retention schedule approved and published by the University of Tennessee Municipal Technical Advisory Service (MTAS), as amended from time to time as the record retention schedule for the City of Elizabethton, Tennessee, and the MTAS record retention schedule is hereby adopted and made a part here of, as if fully set out in this chapter, with such amendments as are made from time to time by the University of Tennessee Municipal Technical Advisory Service (MTAS). (2000 Code, § 1-301, as replaced by Ord. #54-11, March 2018, *Ch1_12-13-18*)

CHAPTER 4**CODE OF ETHICS**¹**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.
- 1-410. Ethics complaints.
- 1-411. Violations.

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.

1-401. Applicability. This chapter is the code of ethics for personnel of the City of Elizabethton. 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. (2000 Code, § 4-701)

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. (2000 Code, § 4-702)

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. (2000 Code, § 4-703)

1-404. 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 city clerk. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or

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

policy, recuse himself from the exercise of discretion in the matter. (2000 Code, § 4-704)

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. (2000 Code, § 4-705)

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. (2000 Code, § 4-706)

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 city council to be in the best interests of the City of Elizabethton. (2000 Code, § 4-707)

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 City of Elizabethton.

(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 City of Elizabethton. (2000 Code, § 4-708)

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 City of Elizabethton's charter or any ordinance or policy. (2000 Code, § 4-709)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the City of Elizabethton. 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 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 Elizabethton City Council, the 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 city 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. (2000 Code, § 4-710)

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 Charter of the City of Elizabethton 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. (2000 Code, § 4-711)