

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

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1**BOARD OF MAYOR AND ALDERMEN²****SECTION**

- 1-101. Time and place of regular meetings.

¹Charter references

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

Municipal code references

Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.

²Charter references

For charter provisions related to the board of mayor and aldermen, see *Tennessee Code Annotated*, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

City administrator: § 6-4-101.
Compensation: § 6-3-109.
Duties of mayor: § 6-3-106.
Election of the board: § 6-3-101.
Oath: § 6-3-105.
Ordinance procedure
 Publication: § 6-2-101.
 Readings: § 6-2-102.
Residence requirements: § 6-3-103.
Vacancies in office: § 6-3-107.
Vice-mayor: § 6-3-107.

- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Terms of office of mayor and aldermen.
- 1-105. Elections of mayor and aldermen.
- 1-106. Disruption of meetings.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular meetings at 5:00 P.M., prevailing Central Time, on the first Tuesday night of each month at the city hall building in Lobelville, Tennessee. Sufficient notification will be given should the meeting date and/or time need to be changed. (1996 Code, § 1-101, modified)

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 the mayor;
- (2) Roll call by the recorder;
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction;
- (4) Grievances from citizens;
- (5) Communications from the mayor;
- (6) Reports from committees, aldermen, and other officers;
- (7) Old business;
- (8) New business; and
- (9) Adjournment. (1996 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 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. (1996 Code, § 1-103)

1-104. Terms of office of mayor and aldermen. The terms of office of the Mayor and Aldermen of the City of Lobelville shall be for four (4) years. A term shall commence with the taking of the oath of office at the next regularly scheduled meeting of the board of mayor and aldermen occurring after an election. (1996 Code, § 1-104)

1-105. Elections of mayor and aldermen. (1) Regular elections for the election of the mayor and aldermen for the City of Lobelville shall be held during lawful hours on the first Saturday in December of each odd numbered year in accordance with the general election laws of the State of Tennessee.

(2) The commissioners of election of Perry County, Tennessee are permanently directed to call and hold such elections among the qualified voters

of the city at such appointed times. Upon the calling, holding and canvassing of the results of such elections, the commissioners of election shall certify the results thereof to the board of mayor and aldermen as provided by law. There shall be paid from the general funds of the city from time to time such amounts as shall be necessary and required by law to be paid to defray the costs of calling and holding such municipal elections.

(3) Two (2) aldermen shall be elected every two (2) years for four (4) year terms and the mayor shall be elected every four (4) years for a four (4) year term.

(4) For the transition in the election of the mayor and aldermen in order to establish staggered terms as herein provided there shall be elected at the regular election to be held in December 1989 a mayor for a four (4) year term and two (2) aldermen each for two (2) year terms and two (2) aldermen each for four (4) year terms. The two (2) persons standing for election as aldermen who shall receive the highest number of votes at such regular election shall be declared elected for four (4) year terms and whose successors shall be regularly elected in December 1993. The two (2) persons receiving the next highest number of votes shall be declared to be elected for two (2) year terms and whose successors shall be elected for full four (4) year terms at the regular election in December 1991.

(5) (a) The terms of office of the two (2) aldermen elected in December, 2003, shall be extended from the first Saturday in December, 2007 until the first Thursday in August, 2008 to correspond with the county general election date. This will result in an increase of approximately nine (9) months and seven days in the terms of the aldermen elected in December, 2003.

(b) The terms of office of the two aldermen and the mayor elected in December 2005, shall be extended from the first Saturday in December, 2009 until the first Thursday in August, 2010 to correspond with the county general election date. This will result in an increase of approximately nine (9) months and seven days in the terms of the aldermen and mayor elected in December, 2005.

(6) (a) The aldermen to be elected in the August 2008 county general election and every four (4) years thereafter, shall be elected for a four (4) year term of office.

(b) The aldermen and mayor to be elected in the August 2010 county general election and every four (4) years thereafter, shall be elected for a four (4) year term of office. (1996 Code, § 1-105, as amended by Ord. #07-03, June 2007)

1-106. Disruption of meetings. No person shall by his or her words, actions, gestures, deeds or other manifested conduct, while in the presence of a duly assembled meeting of the Board of Mayor and Aldermen of the City of Lobelville, Tennessee act in a disorderly manner or treat with contempt such

meeting or those conducting the same, whereby such words, actions, gestures, deeds or other manifested conduct obstructs or impedes the conduct of business before such meeting. Any person violating the provisions hereof shall be fined fifty dollars (\$50.00). (1996 Code, § 1-106)

CHAPTER 2**MAYOR**¹**SECTION**

1-201. Generally supervises municipality's affairs.

1-202. Executes municipality's contracts.

1-201. Generally supervises municipality'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. (1996 Code, § 1-201)

1-202. Executes municipality's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1996 Code, § 1-202)

¹Charter references

For charter provisions related to the mayor, see *Tennessee Code Annotated*, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

CHAPTER 3**RECORDER¹****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 shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the governing body. (1996 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1996 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the governing body and for the municipality which are not assigned by the charter, this code, or the governing body to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1996 Code, § 1-303)

¹Charter references

City recorder: §§ 6-4-201, *et seq.*

Recorder as judge: § 6-4-301(b)(1)(C).

Recorder as treasurer: § 6-4-401(c).

CHAPTER 4

CODE OF ETHICS¹

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 and penalty.

1-401. Applicability. This chapter is the code of ethics for personnel of the City of Lobelville. 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" or "City of Lobelville" includes these separate entities. (Ord. #06-04, 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. §§ 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, 2-10-124.

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.

1-402. Definition of "personal interest." (1) For purposes of §§ 4-103 and 4-104, "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;

(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" includes 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. #06-04, Nov. 2006)

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. (Ord. #06-04, Nov. 2006)

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 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. #06-04, Nov. 2006)

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 city:

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. (Ord. #06-04, Nov. 2006)

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. (Ord. #06-04, Nov. 2006)

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 board of commissioners to be in the best interests of the city. (Ord. #06-04, Nov. 2006)

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.

(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. (Ord. #06-04, Nov. 2006)

1-409. Outside employment. A full-time employee of the city may not accept any outside employment without written authorization from the department head. (Ord. #06-04, Nov. 2006)

1-410. 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 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 the city'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 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. (Ord. #06-04, Nov. 2006)

1-411. 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 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. (Ord. #06-04, Nov. 2006)