

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.
5. NON-RESIDENT VOTERS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Failure of members to attend meetings.
- 1-103. Compensation of aldermen.
- 1-104. Order of business.
- 1-105. General rules of order.
- 1-106. Passage of ordinances.
- 1-107. Removal of officers appointed by the board.
- 1-108. Committees.

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 Monterey Community Center. (1980 Code, § 1-101)

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

Compensation: §§ 4 and 13.

Oath of office: § 4.

Powers and duties: § 4.

Qualifications: § 4.

Vacancy in office: § 4.

1-102. Failure of members to attend meetings. Any member of the board of aldermen who shall fail or refuse to attend the meetings of the board, unless hindered by sickness or by pressing business, for two consecutive meetings may be requested by resolution of the board to attend the next meeting thereof, and if such member fails or refuses to attend after such request and sends no reason for such failure, he shall be deemed to have resigned his office and the board by resolution may accept such resignation and proceed to fill such vacancy by the selection of some suitable person from the ward in which such vacancy exists. (1980 Code, § 1-102)

1-103. Compensation of aldermen. The aldermen shall each be paid twelve dollars and fifty cents (\$12.50) for attendance at each regular or called meeting of the board of mayor and aldermen, provided the compensation to each alderman shall not exceed the sum of three hundred dollars (\$300.00) per annum. (1980 Code, § 1-103, modified)

1-104. 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) Calling the board to order.
- (2) In the absence of the mayor, election of an alderman to preside.
- (3) Reporting minutes of previous meeting.
- (4) Disposition of minutes.
- (5) Introduction of resolutions.
- (6) Introduction of ordinances.
- (7) Ordinances on 1st and 2nd readings.
- (8) Ordinances on 3rd reading.
- (9) Reports of standing committees.
- (10) Reports of special committees.
- (11) Reports of officers.
- (12) Consideration of bills and accounts.
- (13) Unfinished business.
- (14) Miscellaneous business. Under this heading may be considered all matters and business not considered under any of the preceding headings.
- (15) Adjournment. (1980 Code, § 1-104)

1-105 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. (1980 Code, § 1-105, modified)

1-106. Passage of ordinances. All ordinances must be introduced in written form and passed on three (3) readings before becoming effective in accordance with their terms. (1980 Code,§ 1-106)

1-107. Removal of officers appointed by the board. Should any officer appointed by the board of mayor and aldermen of the Town of Monterey fail or refuse to perform any of the duties of his office, as provided by the charter and ordinances of the town, the mayor and aldermen may, by a majority vote, remove such officer from office. (1980 Code,§ 1-107)

1-108. Committees. The mayor shall, at the first regular meeting after his election and qualification or as soon thereafter as practicable, appoint the following standing committees to consist of three (3) aldermen each: First, a finance committee; second, a street committee; third, a sanitation committee; fourth, an industry committee; fifth, a fire committee; sixth, a law committee; and seventh, a buildings and grounds committee; and such other special committees as he may deem proper or as may be authorized or directed to be appointed by the board.

The mayor shall also have the power, in his discretion, at any time, to remove any member or members of any committee, or to make any changes in the personnel of any committee that he may deem necessary. However, in the event of the removal of any member of any standing committee, he shall immediately appoint another in the place of the one removed, so that all standing committees shall always be composed of three (3) aldermen. (1980 Code, § 1-108)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Legal counsel.
- 1-204. Compensation.

1-201. Generally supervises town'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. (1980 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts and conveyances authorized by the board of mayor and aldermen. (1980 Code, § 1-202)

1-203. Legal counsel. The mayor shall have power and authority, whenever the public welfare of the town requires it, to employ counsel to represent the town in any controversy or litigation in which the town may be involved, and to institute litigation or give proper legal advice to the officials and officers of the town, but the counsel so employed shall only receive such compensation as shall be fixed and appropriated by the board of mayor and aldermen. (1980 Code, § 1-203)

1-204. Compensation. The mayor shall be paid the sum of five hundred dollars (\$500.00) per annum for his services as mayor. (1980 Code, § 1-103, modified)

¹Charter references

Duties: § 3.

Oath of office: § 4.

Qualifications: § 3.

Term of office: § 3.

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 the sum of ten thousand dollars (\$10,000.00), with surety acceptable to, the mayor, before assuming the duties of his office. (1980 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall attend all meetings of the board of mayor and aldermen. He shall keep a record of the board's proceedings in a well bound book, which shall be read by him, and after being approved by the board, shall be signed by the mayor and attested by the recorder.

It shall also be the duty of the recorder to transcribe in a well bound book, provided by the board for the purpose, all ordinances passed by the board and approved by the mayor, which book shall be subject to inspection by any person desiring to inspect it. (1980 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not expressly assigned by the charter or this code, 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. (1980 Code, § 1-303)

¹Charter reference: § 7.

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 Town of Monterey. 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. (as added by Ord. #445, May 2007)

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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(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. #445, May 2007)

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. (as added by Ord. #445, May 2007)

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

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

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. #445, May 2007)

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. (as added by Ord. #445, May 2007)

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. (as added by Ord. #445, May 2007)

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 governing body to be in the best interests of the municipality. (as added by Ord. #445, May 2007)

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 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. (as added by Ord. #445, May 2007)

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 municipality's charter or any ordinance or policy. (as added by Ord. #445, May 2007)

1-410. 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 that the governing body 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. (as added by Ord. #445, May 2007)

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 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. (as added by Ord. #445, May 2007)

CHAPTER 5

NON-RESIDENT VOTERS

SECTION

1-501. Non-resident voters.

1-501. Non-resident voters. Non-residents of the town who vote in municipal elections pursuant to § 2 of the charter shall cast their municipal ballots as absentee voters, voting by mail ballots only. (as added by Ord. #11-504, Dec. 2011)