

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. ORDINANCES.
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CHAPTER 1

ORDINANCES

SECTION

- 1-101. Quorum for passage of ordinances.
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- 1-103. Passage on two separate days.
- 1-104. Reading of ordinance.
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1-101. Quorum for passage of ordinances. No ordinance shall be passed on any reading unless at least a majority of the aldermen are present at the meeting. (1973 Code, § 2-26)

1-102. To be in writing; copies. When any proposed ordinance is presented to the board of mayor and alderman, it shall be presented in writing and individual copies thereof shall be made available for the mayor and each alderman. (1973 Code, § 2-27)

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.

1-103. Passage on two separate days. Each ordinance adopted by the board of mayor and aldermen must be presented to the board of mayor and aldermen on two (2) separate days and passed on each presentation by a majority vote of the members of the board of mayor and aldermen present. (1973 Code, § 2-28)

1-104. Reading of ordinance. On each presentation of an ordinance proposed to be adopted, the caption thereof shall be read or its substance stated, but it shall not be necessary to read the proposed ordinance in full. (1973 Code, 2-29)

1-105. Voting procedure. Votes of the members of the board of mayor and aldermen on a proposed ordinance shall be taken by counting the "ayes" and "noes". The mayor shall not vote except to break a tie. (1973 Code, § 2-30)

1-106. Veto by the mayor. The mayor may veto any ordinance adopted by the board of mayor and aldermen by endorsing on the ordinance his reasons therefor and transmitting the ordinance back to the board of mayor and aldermen at its next regular meeting. (1973 Code, § 2-31)

1-107. Passage over the mayor's veto. The board of mayor and aldermen may pass any ordinance over the mayor's veto by reading it one (1) additional time and passing it by a majority vote of all the board of mayor and aldermen. (1973 Code, § 2-32)

CHAPTER 2**MAYOR¹****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 affairs of the city and may require such reports from the various officers and employees of the city as he may reasonably deem necessary to carry out his executive responsibilities. (1973 Code, § 2-53)

1-202. Executes city's contracts. The mayor shall execute all contracts authorized by the board of mayor and aldermen. (1973 Code, § 2-54)

¹Charter references

Duties: § 1.9.

Oath of office: § 1.8.

Qualifications: § 1.6.

CHAPTER 3

RECORDER¹

SECTION

- 1-301. To keep minutes of meetings of board of mayor and aldermen.
- 1-302. Ordinance book.
- 1-303. Tax books and records.
- 1-304. License book.
- 1-305. Itemized record of revenues and expenditures.
- 1-306. Clerical functions.
- 1-307. Issuance of process against ordinance violators.
- 1-308. Docket.
- 1-309. Contempt of recorder's court.

1-301. To keep minutes of meetings of board of mayor and aldermen. The recorder shall keep a complete minute record of all proceedings at meetings of the board of mayor and aldermen. (1973 Code, § 2-60)

1-302. Ordinance book. The recorder shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by the board of mayor and aldermen. (1973 Code, § 2-61)

1-303. Tax books and records. The recorder shall keep such tax books and records as will enable him to lawfully and efficiently administer and account for the assessment and collection or delinquency of all taxes imposed by the city. (1973 Code, § 2-62)

1-304. License book. The recorder shall keep a permanent record of all licenses issued by him. The record shall be kept in a well-bound book provided for that purpose and shall reflect to whom each license has been issued, the amount of each license fee collected and such other pertinent information as the recorder may elect to include. (1973 Code, § 2-63)

1-305. Itemized record of revenues and expenditures. The recorder shall keep an itemized, permanent record of all the revenues and expenditures of the city. (1973 Code, § 2-64)

1-306. Clerical functions. The recorder shall perform all clerical duties for the board of mayor and aldermen and for the city which are not expressly

¹Charter reference

City administrator to appoint: § 1.11.

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. (1973 Code, § 2-65)

1-307. Issuance of process against ordinance violators. When an apparently valid complaint is made under oath to the recorder that some person has violated a provision of this code or other ordinance of the city, the recorder shall immediately issue a warrant for that person's arrest or shall subpoena the person to answer the complaint before the recorder at a specified time. (1973 Code, § 2-66)

1-308. Docket. The recorder shall keep a docket book record of all cases coming before him in his judicial capacity; he shall enter therein, among other things, the name of each defendant, the offense, the date of the offense and/or arrest, the date of the trial, the amount of the fine assessed and whether the fine was paid. (1973 Code, § 2-67)

1-309. Contempt of recorder's court. It shall be unlawful for any person to ignore or fail to comply with a summons or other process issued by the recorder or to otherwise be guilty of any misconduct before the recorder's court. (1973 Code, § 2-68)

CHAPTER 4

CITY ATTORNEY

SECTION

- 1-401. Office created; appointment; qualifications.
- 1-402. Term of office.
- 1-403. Specific duties; general compensation.
- 1-404. Additional duties; special compensation.
- 1-405. Additional counsel.

1-401. Office created; appointment; qualifications. There is hereby created the office of city attorney. The board of mayor and aldermen shall, at its first regular meeting following its election and induction into office, elect an attorney at law who is regularly engaged in and duly licensed to practice the profession of law in all the courts of the state, to the office of city attorney. However, a failure of the board of mayor and aldermen to elect a city attorney at its first regular meeting shall not deprive it of the power to make such election at any subsequent regular meeting. (1973 Code, § 2-74)

1-402. Term of office. The attorney shall hold his office for two (2) years from the date of his election by the board of mayor and aldermen and until his successor is elected and qualified. (1973 Code, § 2-75)

1-403. Specific duties; general compensation. (1) The city attorney shall have the following specific duties: (a) To regularly attend the meetings of the board of mayor and aldermen;

- (b) To advise the board of mayor and aldermen and the other officials of the city in connection with all legal matters and questions that shall arise pertaining to the affairs of the city;
- (c) To prepare all ordinances and resolutions of the board of mayor and aldermen for passage;
- (d) To supervise the keeping of the minutes of board of mayor and aldermen meetings;
- (e) To appear for and represent the city in all cases appealed from the recorder's court;
- (f) To render such miscellaneous legal services out of court as the affairs of the city may require.

(2) For those services enumerated in subsection (1), the city attorney shall receive and be paid a salary as established from time to time by the board of mayor and aldermen, payable in monthly installments. (1973 Code, § 2-76)

1-404. Additional duties; special compensation. For services rendered by the city attorney by direction of the board of mayor and aldermen,

but which are not included in the enumeration of his specific duties in this division, such as for services rendered in the prosecution or defense of lawsuits brought by or against the city or its officials in their official capacity in any of the state or federal courts and not involving cases before or appeals from the recorder's court; for services rendered in the collection of delinquent taxes, street assessments and other moneys due the city and requiring his services for their collection; for services rendered in connection with bond issues and city improvements not of a routine nature; and for other services of an unusual character, the city attorney shall be paid such reasonable additional compensation as is commensurate with the nature of the service rendered. The additional compensation may be fixed by independent contract when the occasion for such service shall arise, by agreement after the service shall have been rendered or by the court in which the service is rendered. (1973 Code, § 2-77)

1-405. Additional counsel. Nothing in this division shall be construed to deprive the mayor of the power and authority that he now has under the charter to employ special or additional counsel or the authority of the city to act in conjunction with or independently of the regular city attorney whenever, in the judgment of the mayor, it shall be for the interests of the city to do so, either for the purpose of bringing and prosecuting suits authorized by law or a resolution of the board of mayor and aldermen or for the purpose of defending suits brought against the city. (1973 Code, § 2-78)

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.

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.

1-510. 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. #2006-7, Sept. 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. #2006-7, Sept. 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. (Ord. #2006-7, Sept. 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

¹Masculine 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. #2006-7, Sept. 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. #2006-7, Sept. 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. #2006-7, Sept. 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. #2006-7, Sept. 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. #2006-7, Sept. 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. #2006-7, Sept. 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. #2006-7, Sept. 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. #2006-7, Sept. 2006)