

**TITLE 1**

**GENERAL ADMINISTRATION**<sup>1</sup>

**CHAPTER**

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

---

<sup>1</sup>Charter 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, chapter 2.

Utilities: titles 18 and 19.

Wastewater treatment: title 18, chapter 2.

Zoning: title 14.

## CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Terms of office.
- 1-105. Compensation.
- 1-106. Repealed.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. (CST) on the last Monday of each month at the Pegram Town Hall Building, excluding the month of May, when the regular monthly meeting shall be held on the third Monday of the month, and excluding the months of November and December, when the regular monthly meetings for those months shall be combined and held on the first Monday of December at 7:00 P.M. (CST). (1990 Code, § 1-102, as amended by Ord. #2000-11, Feb. 2000, Ord. #2020-136, Feb. 2020 *Ch3\_12-05-22*, and Ord. #2022-144, March 2022 *Ch3\_12-05-22*)

---

#### <sup>1</sup>Charter 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.

#### Municipal code reference

Ord. #1999-6, March 1999, which increases the number of aldermen from 2 to 4 and institutes staggered terms of office, is available in the office of the recorder.

**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, in whole or in part 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, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1990 Code, § 1-103, modified)

**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. (1990 Code, § 1-104, modified)

**1-104. Terms of office.** In accordance with Tennessee Code Annotated, § 6-1-403 staggered four year terms of office are established for the board of mayor and aldermen as follows:

- (1) The adoption of the ordinance upon which this section is based shall not affect the terms of the present board of mayor and aldermen.
- (2) At the first municipal election following the adoption of the ordinance upon which this section is based, members of the board of mayor and aldermen shall be elected for transitional three year term.
- (3) Following the adoption of the ordinance upon which this section is based and the first election thereafter, all terms of office for mayor and aldermen shall be four (4) years. (1990 Code, § 1-101)

**1-105. Compensation.** The mayor's salary shall be twelve hundred dollars (\$1200.00) per year. The aldermen's salary shall be nine hundred dollars (\$900.00) per year. All salaries shall be paid monthly. (1990 Code, § 1-105)

**1-106. Repealed.** (as added by Ord. #2009-74, May 2009, amended by Ord. #2010-85, Sept. 2010, and repealed by Ord. #2015-103, May 2015)

**CHAPTER 2****MAYOR**<sup>1</sup>**SECTION**

1-201. Reports.

1-202. Executes town's contracts.

**1-201. Reports.** The mayor may require such reports from town officers and employees as he/she may reasonably deem necessary to carry out the executive responsibilities of the mayor's office.<sup>2</sup> (1990 Code, § 1-201, as replaced by Ord. #2009-75, May 2009)

**1-202. Executes town's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1990 Code, § 1-202)

---

<sup>1</sup>Charter 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.

<sup>2</sup>Charter reference

Duties of mayor: § 6-3-106.

**CHAPTER 3****RECORDER<sup>1</sup>****SECTION**

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To perform general administrative duties, etc.
- 1-304. Compensation.

**1-301. To be bonded.** The town recorder shall be bonded in the minimum amount of fifty thousand dollars (\$50,000.00) to adequately insure the performance of his/her duties. Such bond shall be issued by an authorized company organized and existing under the laws of the State of Tennessee to write such bonds. It is not necessary that the town secure a supplemental bond for the town recorder as long as the insurance coverage provided for all town employees and officers is in an amount sufficient to insure the recorder individually in an amount equal to or greater than fifty thousand dollars (\$50,000.00) per occurrence/event. (1990 Code, § 1-301, as replaced by Ord. #2010-80, May 2010)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1990 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 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. (1990 Code, § 1-303)

**1-304. Compensation.** The compensation for the recorder shall be set by the board of mayor and aldermen and included in the annual budget. (1990 Code, § 1-304)

---

<sup>1</sup>Charter references

City recorder: § 6-4-201, et seq.

Recorder as treasurer: § 6-4-401(c).

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

## CHAPTER 4

### PUBLIC RECORDS

#### SECTION

- 1-401. Definitions.
- 1-402. Requesting access to public records.
- 1-403. Responding to public records requests.
- 1-404. Inspection of records.
- 1-405. Copies of records.
- 1-406. Fees and charges and procedures for billing and payment.

**1-401. Definitions.** (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tennessee Code Annotated, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tennessee Code Annotated, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-203(1)(c) of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tennessee Code Annotated, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian. For the Town of Pegram, the public records request coordinator shall be the city recorder.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (Ord. #1998-09, Nov. 1998, as amended by Ord. #2007-46, May 2007, and replaced by Ord. #2009-72, May 2009, and Ord. #2017-116, May 2017 **Ch3\_12-05-22**)

**1-402. Requesting access to public records.** (1) Public record requests shall be made to the public records request coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing [or email] address from the requestor or for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing<sup>1</sup> at Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143 or by phone at 615-646-0773, or by email to recorder@pegram.net.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing<sup>2</sup> either in person or through mail to Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143, or by email to recorder@pegram.net.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records. (Ord. #1998-09, Nov. 1998, modified, as deleted by Ord. #2009-72, May 2009, and replaced by Ord. #2017-116, May 2017 *Ch3\_12-05-22*)

**4-403. Responding to public records requests.** (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the Town is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being a Tennessee citizen.

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(D) The town is not the custodian of the requested records.

(E) The records do not exist.

---

<sup>1,2</sup>A copy of the Public Records Request Response Form may be found in the recorder's office.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the Town of Pegram.

(c) The designated PRRC(s) is(are):

(i) Name or title: city recorder.

(ii) Contact information: 308 Hwy 70 East, Pegram, TN 37143, 615-646-0773 or recorder@peggram.net.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the request or a completed public records request response form.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 4-403(1)(b)(ii) and may use the public records request response form.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given



for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #2017-116, May 2017 ***Ch3\_12-05-22***)

**4-404. Inspection of records.** (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the Town of Pegasus shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #2017-116, May 2017 ***Ch3\_12-05-22***)

**4-405. Copies of records.** (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Pegasus City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Under no circumstances will a requestor-provided external storage device or other device be allowed to connect to city hardware or software. (as added by Ord. #2017-116, May 2017 ***Ch3\_12-05-22***)

**4-406. Fees and charges and procedures for billing and payment.** Fees and charges for copies of public records should not be used to hinder access to public records.

(1) Records custodians shall provide requestors with an itemized estimate of the charges in writing prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) When fees for copies and labor do not exceed two dollars (\$2.00), the fees may be waived. Requests for waivers for fees above two dollars (\$2.00) must be presented to the city recorder, who is authorized to determine if such waiver is in the best interest of the Town of Pegasus and for the public good. Fees associated with aggregated records requests will not be waived.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) Labor when time exceeds one (1) hour.

(d) If an outside vendor is used, the actual costs assessed by the vendor.

(4) No duplication costs will be charged for requests for less than ten (10) pages.

(5) Payment is to be made in cash, personal check, cashier's check or money order payable to the Town of Pegram and presented to the records custodian.

(6) Payment in advance will be required when costs are estimated to exceed twenty dollars (\$20.00).

(7) Aggregation of frequent and multiple requests. (a) The Town of Pegram will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) Method of aggregating:

(i) Records requests will be aggregated at the city level.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to, agendas and approved meeting minutes. (as added by Ord. #2017-116, May 2017 **Ch3\_12-05-22**)

**CHAPTER 5**  
**CODE OF ETHICS**<sup>1</sup>

**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.

---

<sup>1</sup>State 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.

**1-501. Applicability.** This chapter is the code of ethics for personnel of the Town of Pegasus. 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 Pegasus" includes these separate entities. (as added by Ord. #2007-49, June 2007)

**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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(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. (as added by Ord. #2007-49, June 2007)

**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 himself<sup>1</sup> from voting on the measure. (as added by Ord. #2007-49, June 2007)

**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

---

<sup>1</sup>Masculine 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. #2007-49, June 2007)

**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:

(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. #2007-49, June 2007)

**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. #2007-49, June 2007)

**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 town council to be in the best interests of the town. (as added by Ord. #2007-49, June 2007)

**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 are not authorized by the charter, general law, or ordinance or policy of the town. (as added by Ord. #2007-49, June 2007)

**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. #2007-49, June 2007)

**1-510. Ethics complaints.** (1) The town 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 town 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 town 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 town attorney may request the town 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 town council, the town 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 town council determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the town 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. (as added by Ord. #2007-49, June 2007)

**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 town council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-49, June 2007)