

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. RECORDER.
3. MUNICIPAL ADMINISTRATOR.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

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

1-101. Time and place of regular council meetings. The city council shall hold regular monthly meetings at 7:00 P.M., local time, on the fourth Monday night of each month at the city hall. (1970 Code, § 1-101, as amended by Ord. #11-1134, Sept. 2010)

1-102. Order of business. At each meeting of the city council, the following regular order of business shall be observed unless dispensed with by a majority vote of the council:

- (1) The meeting will be called to order by the mayor.

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: art. IV, § 2.

Oath of office: art. IV, § 2.

Term of office: art. III, § 2.

Vacancies in office: art. IV, § 3.

- (2) The roll will be called by the recorder.
- (3) The minutes of the previous meetings shall be approved by the council.
- (4) The council will hear communications from the mayor and councilmen.
- (5) The council will hear reports from committees and officers.
- (6) The council will dispose of old business.
- (7) The council will consider new business.
- (8) The council will hear grievances from citizens.
- (9) The meeting will be adjourned. (1970 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, 1990 (9th) Edition, 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. (1970 Code, § 1-103, modified)

CHAPTER 2**RECORDER¹****SECTION**

1-201. To be bonded.

1-202. To keep an ordinance book.

1-203. To perform general administrative duties, etc.

1-201. To be bonded. The recorder shall be bonded in the sum of fifty thousand dollars (\$50,000.00) before assuming the duties of his office. (1970 Code, § 1-201, modified)

1-202. To keep an ordinance book. The recorder shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by city council.² (1970 Code, § 1-202)

1-203. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and council members and for the city which are not assigned by the charter, this code, or the board of mayor and council members to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

¹Charter reference: art. VI, § 7.

²Charter reference: art. V, § 2.

CHAPTER 3

MUNICIPAL ADMINISTRATOR

SECTION

- 1-301. Office of municipal administrator created.
- 1-302. Residence.
- 1-303. Vacancy in office of, or absence of.
- 1-304. Departmental cooperation.
- 1-305. Duties of the administrator.
- 1-306. Removal and severance pay.

1-301. Office of municipal administrator created. There is hereby created the office of Municipal Administrator for the City of Rockwood. The city council may appoint and fix the salary and term of office of said administrator. The administrator shall be responsible to and shall report to the mayor and city council of the City of Rockwood. The administrator shall be selected on the basis of training or experience and other administrative qualifications. The administrator may have a college degree and training in municipal management, public administration, business, planning or other comparable studies. In lieu of the aforesaid educational qualifications, the administrator may have at least four (4) year experience in local government and public administration. The administrator shall give full time and duties to the office. No present or future member of the Rockwood City Council nor any present or future Mayor of the City of Rockwood may be eligible for this office a period of one (1) year from the expiration of his/her latest term. (1970 Code, § 1-1101, modified, as replaced by Ord. #11-78, Nov. 2013)

1-302. Residence. Residence in the City of Rockwood shall not be required as a condition for serving as municipal administrator. However, the municipal administrator must reside in close proximity to Roane County and the City of Rockwood to allow the municipal administrator to efficiently discharge the duties of the office. (1970 Code, § 1-1102, as replaced by Ord. #11-78, Nov. 2013)

1-303. Vacancy in office of, or absence of. During periods of vacancy in the office, temporary absences or disability of the administrator, the chief executive officer may appoint an acting administrator as outlined in art. VI, § 1 of the city charter, until the city council fills the vacancy of the city administrator. (1970 Code, § 1-1103)

1-304. Departmental cooperation. It shall be the duty of all subordinate officers and the city recorder and city attorney to assist the city administrator in administering the affairs of the city effectively, economically and harmoniously. (1970 Code, § 1-1104)

1-305. Duties of the administrator. It shall be the duty of the administrator to supervise and coordinate all administrative activities of each department under the mayor, and to perform such duties as may be assigned by the chief executive officer to assist the chief executive officer in carrying out his duties as outlined in art. VI, § 2 of the charter of the City of Rockwood. The administrator shall be responsible to and shall report to the mayor and city council of Rockwood. He shall have the following duties with respect to the administration of the affairs of the city under the mayor and city council:

(1) To make recommendations to the mayor and city council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city.

(2) To keep the mayor and city council fully advised as to the condition and needs of the city including an inventory of property and equipment and to recommend repairs and replacement as required.

(3) To recommend programs or projects involving public works on public improvements to be undertaken by the city and to recommend and solicit funding for such programs and projects.

(4) To advise and consult with the department directors in determining personnel needs of the city.

(5) To consult and assist the city finance officer and mayor in the preparation of departmental budgets and municipal budgets for presentation to the city council.

(6) To act as liaison officer for the mayor and city council in coordinating the activities under the council with the activities of the city under separate boards and commissioners.

(7) To attend all meetings of city council and to attend the meetings of other municipal boards, commissions and committees as he deems necessary or upon their request. He shall be heard by such bodies as to all matters upon which he wishes to address the members thereof, and shall inform said members as to the status of any matter being considered by the city council and he shall cooperate to the fullest extent with such commissions, boards and committees.

(8) To attend and participate in conferences, seminars, training and related assemblies and events related to the functions of municipal administration.

(9) To serve as grant administrator for Rockwood, to become knowledgeable in applicable federal, state, and private grants and to assist in such applications. He shall keep adequate and accurate records related to such applications and the receipt and expenditure of funds.

(10) To perform other duties as may be assigned by the mayor or by resolution of the Rockwood city council. (1970 Code, § 1-1105)

1-306. Removal and severance pay. The municipal administrator shall serve at the pleasure of the mayor and city council, but may not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general municipal election held

in the city at which election a member of the city council is elected or when a new city councilman is appointed; the purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city administrator in the performance of the powers and duties of his office. After the expiration of ninety (90) days he may be removed only by an affirmative vote of four (4) members of the city council as then constituted. Upon termination employment of the administrator by reason of involuntary removal from service other than for willful misconduct in office, he shall receive cash severance pay in a lump sum equal to two months' pay. (1970 Code, § 1-1106)

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.

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 Rockwood. 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 of Rockwood. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #07-1101, 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), 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. (as added by Ord. #07-1101, 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. #07-1101, 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 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. (as added by Ord. #07-1101, 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 City of Rockwood:

(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. #07-1101, 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. #07-1101, 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 City of Rockwood. (as added by Ord. #07-1101, 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 City of Rockwood.

(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 Rockwood. (as added by Ord. #07-1101, 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 City of Rockwood's charter or any ordinance or policy. (as added by Ord. #07-1101, May 2007)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the City of Rockwood. 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 City of Rockwood'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. #07-1101, 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 City of Rockwood'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. #07-1101, May 2007)