

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND COUNCIL.
2. MAYOR.
3. RECORDER.
4. CITY ADMINISTRATOR.
5. SERVICE DIRECTOR.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation of council.

1-101. Time and place of regular meetings. The board of mayor and council shall hold regular meetings at 7:00 P.M. on the third (3rd) Thursday of each month at the city hall.

When, in his or their opinion, the urgency of city business requires, the mayor, acting mayor, or a majority of the board may call a special meeting of the

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: § 7.

Qualifications: § 5.

Term of office: § 5.

Vacancy in office: § 6.

board upon giving twenty-four (24) hours written notice thereof to all of the councilpersons, the city attorney, and other officials required to attend, provided that such notice shall be signed by the calling party or parties and shall state the matters to be considered or the nature of business to be transacted by the board at such meeting. (Ord. #351, May 1994)

1-102. Order of business. At each meeting of the board of mayor and council, 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, members of the board of mayor and council, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1968 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 council 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. (1968 Code, § 1-103, modified)

1-104. Compensation of council. The council members shall be entitled to receive compensation in the amount of fifty dollars (\$50.00) per month, for the upcoming term beginning on the first Thursday in December following the election in November 1994 and shall not be changed during the four year term.

The council members shall not be paid, nor be entitled to receive compensation for more than one meeting in any one month nor be paid, or entitled to receive compensation for any meeting unless they are present and in actual attendance at said meeting. Meetings as defined herein shall include both regular and legally called meetings. (Ord. #350, May 1994)

CHAPTER 2**MAYOR¹****SECTION**

- 1-201. Generally supervises city's affairs.
- 1-202. Executes city's contracts.
- 1-203. Compensation.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all municipal fiscal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his responsibilities. (1968 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and council. (1968 Code, § 1-202)

1-203. Compensation. The mayor shall be entitled to receive compensation in the amount of one hundred dollars (\$100.00) per month, for the upcoming term beginning on the first Thursday in December following the election in November 1994 and shall not be changed during the four year term.

The mayor shall not be paid, nor be entitled to receive compensation for more than one meeting in any one month nor be paid, or entitled to receive compensation for any meeting unless he is present and in actual attendance at said meeting. Meetings as defined herein shall include both regular and legally called meetings. (Ord. #350, May 1994)

¹Charter references

Compensation: § 7.

Duties and powers: § 10.

Qualifications: § 5.

Term of office: § 5.

Vacancy in office: § 6.

Veto power: § 10.

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 amount as the board of mayor and council may from time to time prescribe. (1968 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and council and shall preserve the original copy of all ordinances in a separate ordinance book. (1968 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and council and for the city 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 city shall provide. (1968 Code, § 1-303)

¹Charter reference: § 12.

CHAPTER 4

CITY ADMINISTRATOR

SECTION

- 1-401. Office of city administrator created.
- 1-402. Residence.
- 1-403. Vacancy in office of, or absence of.
- 1-404. Departmental cooperation.
- 1-405. Duties of the administrator.
- 1-406. Removal.

1-401. Office of city administrator created. There is hereby created the office of City Administrator for the City of Lake City. The board of mayor and council shall by majority vote, appoint and fix the salary and term of office of said administrator. The administrator shall be responsible to and shall report to the Board of Mayor and Council of Lake City. The administrator shall be selected solely on the basis of training, experience, and other administrative qualifications. Minimum qualifications shall include a college degree or ten (10) years experience in municipal management, public administration, business administration, or planning. The administrator shall give full time to the duties of the office. (1968 Code, § 1-1401)

1-402. Residence. Residence in the city at the time of appointment of a city administrator shall not be required as a condition of the appointment, but within ninety (90) days after reporting for work, the city administrator must establish residence in the immediate vicinity of the City of Lake City. (1968 Code, § 1-1402)

1-403. Vacancy in office of, or absence of. During temporary absences, or disability of the administrator, the board of mayor and council may appoint an acting administrator. (1968 Code, § 1-1403)

1-404. 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 efficiently, economically, and harmoniously. (1968 Code, § 1-1404)

1-405. Duties of the administrator. It shall be the duty of the administrator to supervise and coordinate all administrative activities of each department under the board of mayor and council. The administrator shall be responsible to and shall report to the board of mayor and council. The administrator also shall have the following duties with respect to the administration of affairs of the city under the board of mayor and council:

(1) To make recommendations to the board of mayor and 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 board of mayor and 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 and insurance coverage as required.

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

(4) To advise and recommend the personnel employment needs of the city to the board of mayor and council, and to maintain personnel files on all city employees.

(5) To demote, suspend, dismiss any employee of the city who is responsible to the board. Any such action may be appealed by the affected employee to the board of mayor and council within 30 days after the action is taken.

(6) To act as purchasing agent for the city and to purchase all materials, supplies, and equipment for the proper conduct of the city's business, subject to the policies, rules and regulations established by the board of mayor and council.

(7) To prepare and submit the annual budget and capital program to the board of mayor and council.

(8) To approve all proposed expenditures and prevent the incurring of any obligation without such approval and unless funds are available for the expenditures.

(9) To keep the board of mayor and council fully advised as to the financial condition and future needs of the city and make such recommendations to the board concerning the affairs of the city as he or she deems desirable.

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

(11) To attend all meetings of the board of mayor and council and to attend the meeting of all municipal boards, commissions, and committees as the administrator deems necessary or upon their request.

(12) To attend and participate in conferences, seminars, training, and related assemblies and events related to the functions of municipal administration subject to the approval of the board of mayor and council.

(13) To serve as Grants Administrator for Lake City, to become knowledgeable in applicable federal, state, and private grants and to assist in such applications. The administrator shall keep adequate and accurate records related to such applications and the receipt and expenditure of funds.

(14) To perform other duties as may be required of the administrator by resolution of the board of mayor and council. (1968 Code, § 1-1405)

1-406. Removal. The city administrator shall serve at the pleasure of the board of mayor and council, and may be removed only by a majority vote of the board of mayor and council. (1968 Code, § 1-1406)

CHAPTER 5

SERVICE DIRECTOR

SECTION

1-501. Creation of office of service director.

1-502. Powers and duties of service director.

1-501. Creation of office of service director. There is hereby created and established the office of service director in and for the City of Lake City. The service director shall report to the mayor and board of council. Except for the purposes of inquiry, the mayor and each council member shall take up all matters pertaining to the functions enumerated in this chapter solely through the service director. Neither the mayor nor individual council members shall give orders to the service director's subordinates or otherwise interfere with the day to day operation of the functions under the supervision of the service director. (1968 Code, § 1-1201)

1-502. Powers and duties of service director. (1) The service director shall have supervision over construction, maintenance, and clearing of all streets, alleys, and storm sewers now open or which may hereafter be opened;

(2) Supervision of all work done on, in, and under streets, alleys and other public ways by anyone other than the City of Lake City;

(3) Supervision over the Lake City water and sewer system;

(4) Supervision of the refuse collection system of the city;

(5) Supervision of all public building and grounds and public activities;

(6) Supervision of the Lake City code enforcement program excluding the safety department.

(7) The service director shall act as purchasing agent subject to the policies, rules and regulations established by the mayor and board of council;

(8) Make recommendations to the mayor and board of council on the employment, dismissal, promotion or demotion of any employee under his supervision;

(9) See that all of the city's vehicles and equipment are properly maintained;

(10) Perform such other functions as may be assigned by the mayor and board of council. (1968 Code, § 1-1202)

CHAPTER 6

CODE OF ETHICS¹

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by officials with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. 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.

1-601. Applicability. This chapter is the code of ethics for personnel of the City of Lake City. 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 Lake City" include these separate entities. (as added by Ord. #437, Dec. 2006)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "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), grand-parent(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. #437, Dec. 2006)

1-603. 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. #437, Dec. 2006)

1-604. 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. #437, Dec. 2006)

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or labor of any kind from anyone other than the city:

(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. #437, Dec. 2006)

1-606. 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. #437, Dec. 2006)

1-607. 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 mayor and city council to be in the best interests of the city. (as added by Ord. #437, Dec. 2006)

1-608. 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. (as added by Ord. #437, Dec. 2006)

1-609. Outside employment. A full-time employee may not accept any outside employment without written authorization from the mayor. (as added by Ord. #437, Dec. 2006)

1-610. 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 city 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 city's board of mayor and council, the city 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 city council 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 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. #437, Dec. 2006)

1-611. 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 board of mayor and city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #437, Dec. 2006)