

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. MAYOR AND ALDERMEN.
2. CITY ADMINISTRATOR.
3. RECORDER.
4. ETHICS.

CHAPTER 1

MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. Passage of ordinances.
- 1-104. Passage of resolutions.
- 1-105. Mayor's salary.
- 1-106. General supervision of officers.
- 1-107. Authority to summon assistance.
- 1-108. [Deleted.]
- 1-109. Appointment of special committees.
- 1-110. [Deleted.]
- 1-111. Office of vice mayor; term; duties.

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: § 6.

Oath of office: § 9.

Powers: § 3.

Term of office: § 3.

Vacancy in office: § 3.

1-112. Vice mayor's compensation.

1-113. Aldermen's compensation.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular meetings at 5:00 P.M. on the first and third Thursdays of each month at the city hall. (1978 Code, § 1-101, as amended by Ord. #97-698, March 1997)

1-102. Order of business. At all regular meetings of the board of mayor and aldermen the following order of business shall be observed:

- (1) Calling of the roll.
- (2) Reading and approving minutes of the previous meeting of the board.
- (3) Introduction of resolutions.
- (4) Introduction of ordinances and passing first reading.
- (5) Ordinances on second reading.
- (6) Resolutions lying over from previous meeting.
- (7) Ordinances on third and final reading.
- (8) Presenting and passing on claims.
- (9) Reports of standing committees.
- (10) Reports of special committees.
- (11) Miscellaneous and unfinished business.
- (12) Election of officers or filling vacancies. (1978 Code, § 1-102)

1-103. Passage of ordinances. 1. Legislative action which must be exercised by ordinance. Except as otherwise provided by general law, or the charter of the City of Sparta, legislative action of the board shall be by ordinance when granting, renewing, or extending public franchises; creating, abolishing, or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; exercising the police power; levying taxes; adopting the budget; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

2. Passage of an ordinance. All ordinances shall be assigned a number by the recorder by fiscal year and shall begin with the clause, "Be it ordained by the Board of Mayor and Aldermen of the City of Sparta, Tennessee:" An ordinance may be introduced by any member of the board. Every ordinance shall be passed by the board of mayor and aldermen on two different days, at regular, special, or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage, unless such amendment is passed in the same manner as an amendment to an existing ordinance. Every ordinance shall become effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final

passage shall be signed by the presiding officer of the board, and shall immediately be taken charge of by the recorder, authenticated by the signature of the recorder, and filed and preserved in the recorder's office. (1978 Code, § 1-103, as replaced by Ord. #02-762, Jan. 2003)

1-104. Passage of resolutions. All resolutions shall lay over at least one day before being finally considered. Provided, however, that two-thirds (2/3) of all the members of the board present by vote may suspend the rules for the immediate consideration of any resolution. (1978 Code, § 1-104)

1-105. Mayor's salary. The salary for the mayor shall be six hundred dollars (\$600.00) per month.¹ (1978 Code, § 1-105, as amended by Ord. #02-746, July 2002, and Ord. #18-916 *Ch13_10-18-18*)

1-106. General supervision of officers. The mayor shall have general supervision and control over the officers of the municipality, and may when he deems it necessary or proper inquire into the condition of their official business, and may call upon any officer of the municipality for any information pertaining to his office. (1978 Code, § 1-106)

1-107. Authority to summon assistance. The mayor shall have power to call to his assistance the citizens of the municipality to aid him in suppressing or dispersing any riot, unlawful assembly or breach of the peace. (1978 Code, § 1-107)

1-108. [Deleted.] (1978 Code, § 1-108, as deleted by Ord. #08-834, Oct. 2008)

1-109. Appointment of special committees. The mayor shall from time to time appoint such special committees and commissions as may be authorized or directed by the board of mayor and aldermen. (1978 Code, § 1-109)

1-110. [Deleted.] (1978 Code, § 1-110, as deleted by Ord. #08-834, Oct. 2008)

¹Section 4 of Ord. #02-746 (July 31, 2000) provides:

"The adjustments in pay for the offices of mayor, vice-mayor and aldermen as specified hereinabove shall become effective upon the expiration of the terms of the office of each such member of the Sparta Board of Mayor and Aldermen serving at the time of passage of this ordinance."

1-111. Office of vice mayor; term; duties. (1) The board of mayor and aldermen shall elect a vice mayor who shall also be an alderman.

(2) The election of the vice mayor shall occur at the first regular meeting of April next following the election of the mayor and three (3) aldermen; the vice mayor so elected shall serve a term of two (2) years.

(3) The vice mayor shall preside at meetings of the board of mayor and aldermen in the absence of the mayor, and shall further exercise the powers, duties and responsibilities of the office of mayor in the event of the mayor's temporary absence or incapacity to perform such duties. The vice mayor shall serve as a member of the Board of Directors of the Sparta-White County Chamber of Commerce, and on such other boards, commissions, committees or agencies as request or require an elected official of the city to serve, it being in the discretion of the mayor as to the proper division of such responsibilities between himself/herself and the vice mayor. (1978 Code, § 1-111)

1-112. Vice mayor's compensation.¹ The vice mayor shall receive for his services as such the sum of three hundred dollars (\$300.00) per month. The vice mayor's compensation shall be deemed to include the ordinary payment allowed to aldermen for attendance at meetings. The vice mayor's compensation shall not be decreased during his/her term of office as such. (1978 Code, § 1-112, as amended by Ord. #02-746, July 2002, and Ord. #18-916, July 2018 *Ch13_10-18-18*)

1-113. Aldermen's compensation.¹ The pay for Aldermen of the City of Sparta is hereby set at one hundred dollars (\$100.00) per meeting for attendance at regular and called meetings of the board of mayor and aldermen. (as added by Ord. #02-746, July 2002, and amended by Ord. #18-916 *Ch13_10-18-18*)

¹Section 4 of Ord. #02-746 (July 31, 2000) provides:

"The adjustments in pay for the offices of mayor, vice-mayor and aldermen as specified hereinabove shall become effective upon the expiration of the terms of the office of each such member of the Sparta Board of Mayor and Aldermen serving at the time of passage of this ordinance."

CHAPTER 2

CITY ADMINISTRATOR

SECTION

1-201. City administrator; appointment thereof.

1-202. Duties of administrator.

1-201. City administrator; appointment thereof. There is hereby created the office of City Administrator of the City of Sparta. The Board of Mayor and Aldermen of the City of Sparta shall appoint said administrator, who shall serve at the pleasure of the board of mayor and aldermen, provided, however, that said board may contract with the city administrator for a period not to exceed twelve months with the commencement and termination period of said contract or contracts to coincide with the biennial election of the city recorder. The board of mayor and aldermen shall determine appropriate compensation and employee fringe benefits for the city administrator which may, but not necessarily shall, be set after consultation and negotiation between the board of mayor and aldermen and the candidate or incumbent city administrator. Four (4) positive votes from among the members of the board of mayor and aldermen shall be required to employ and/or discharge an individual for this position. The administrator shall be selected solely on the basis of education, administrative background, and experience. The administrator shall give full time to the duties of the office. (1978 Code, § 1-201, as amended by Ord. #11-859, May 2011)

1-202. Duties of administrator. It shall be the duty of the city administrator to supervise and coordinate all administrative activities of each department head directly under the control of the board of mayor and aldermen, in accordance with such policies and procedures of organization as may be adopted by said board and filed with the city recorder. The administrator shall also have the following duties with respect to the administration of the affairs of the city, under the control of the board of mayor and aldermen:

(1) To make recommendations to the board of mayor and aldermen for improving the quality and quantity of public services to be rendered by the City of Sparta to the citizens thereof.

(2) To keep the board of mayor and aldermen fully advised as to the condition and needs of the city, including an inventory of property and equipment, and to recommend necessary repairs or replacements.

(3) To recommend to the board of mayor and aldermen necessary programs or projects involving public works or public improvements to be undertaken by the city and the priority of same.

(4) To act as purchasing agent subject to the law of the State of Tennessee and any ordinances, policies, rules and regulations established by the board of mayor and aldermen and to recommend changes in such ordinances,

policies, rules and regulations as deemed necessary to establish effective and efficient operating procedures.

(5) To direct the enforcement of all personnel rules, regulations and policies which may be adopted by the board of mayor and aldermen and to recommend to said board the employment, dismissal, promotion or demotion of any employee of the city who is responsible to the board of mayor and aldermen, and to keep personnel files on all city employees. The city administrator shall review the findings and decisions of the respective department heads involved in dismissals, promotions and demotions, and shall either approve or reject same. The city administrator's decisions shall be reviewable by the board of mayor and aldermen, or as it may direct. The city administrator shall review applications submitted for department head positions, interview applicants, and make recommendations to the board of mayor aldermen.

(6) To review, approve and recommend to the board of mayor and aldermen an annual budget and capital program for each department of the city coming under the direct supervision of the board of mayor and aldermen. The city administrator shall also have direct responsibility for the administration of the budget as approved by the board of mayor and aldermen.

(7) To perform such other specific duties as may be designated in official sessions of the board of mayor and aldermen. (1978 Code, § 1-202, as amended by Ord. #06-817, Nov. 2006)

CHAPTER 3

RECORDER¹

SECTION

- 1-301. Bond required.
- 1-302. Duty to keep financial records; availability for inspection.
- 1-303. Duties as clerk to board of mayor and aldermen.
- 1-304. Duties as collector.
- 1-305. Recorder to be treasurer.
- 1-306. Time of election of city recorder established.

1-301. Bond required. Before entering upon the duties of his office the recorder shall execute bond with good and sufficient security in the amount prescribed by the board of mayor and aldermen, and conditioned that he will faithfully account for all money that may or ought to be collected by him by virtue of his office, and that he will well and truly perform all other duties pertaining to his office; which bond shall be acknowledged by the recorder and his sureties before the mayor and approved by him. (1978 Code, § 1-301)

1-302. Duty to keep financial records; availability for inspection. It shall be the duty of the recorder to keep, in a book provided for that purpose, a correct account of all collections and disbursements of the funds of the municipality, showing at all times in detail the state of each fund. This book together with all other records of the municipality shall be open at all times to inspection of the finance committee or others appointed by the mayor for that purpose. (1978 Code, § 1-302)

1-303. Duties as clerk to board of mayor and aldermen. The recorder shall attend all regular and adjourned meetings of the board of mayor and aldermen and shall keep a record of all their proceedings in a well bound book, which shall be read by him and after being approved by the mayor and aldermen shall be signed by the mayor and recorder. (1978 Code, § 1-311)

1-304. Duties as collector. It shall be the duty of the recorder to collect all taxes, fines and forfeitures and all money due the municipality from whatever source. (1978 Code, § 1-312)

¹Charter references

Bond required: § 9.

Judicial powers: § 11.

1-305. Recorder to be treasurer. The recorder shall be treasurer of the municipality. (1978 Code, § 1-313)

1-306. Time of election of city recorder established. The city recorder shall be elected by a majority vote of the members of the board of mayor and aldermen for a two year term in accordance with the provisions of § 4 of the Charter of the City of Sparta, Tennessee. Given the provisions of § 3 of the Charter of the City of Sparta, Tennessee, that specify city elections to be held every two years on the first Saturday in April, the election of the city recorder shall be conducted at the first regular July meeting of the board of mayor and aldermen that follows said city elections. (1978 Code, § 1-314)

CHAPTER 4

ETHICS

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 nonvoting 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.

1-401. 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. (as added by Ord. #06-816, Oct. 2006)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-104 "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. #06-816, Oct. 2006)

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 himself from voting on the measure. (as added by Ord. #06-816, Oct. 2006)

1-404. Disclosure of personal interest in nonvoting 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 policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-816, Oct. 2006)

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. #06-816, Oct. 2006)

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. #06-816, Oct. 2006)

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 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. #06-816, Oct. 2006)

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. #06-816, Oct. 2006)

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. #06-816, Oct. 2006)

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. #06-816, Oct. 2006)

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. #06-816, Oct. 2006)