

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. RECORDER.
2. CITY ADMINISTRATOR.
3. CODE OF ETHICS.
4. PUBLIC RECORDS.

CHAPTER 1

RECORDER²

SECTION

1-101. Recorder to be certified.

1-101. Recorder to be certified. The City of Spencer adopts by reference the requirements of Public Acts 1994, Chapter 648, which is attached to this ordinance³ and made a part thereof as if it were fully set out in the text of this ordinance. (Ord. #94-1, Oct. 1994)

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Utilities: titles 18 and 19.

²Charter references

Bond: § 9.
Compensation: § 26.
Duties: §§ 8a and 15.
Oath of office: § 9.
Term of office: § 8a.
Vacancy in office: § 22.

³Attachments to Ord. #94-1 are of record in the recorder's office.

CHAPTER 2

CITY ADMINISTRATOR

SECTION

1-201. General duties and responsibilities of city administrator.

1-201. General duties and responsibilities of city administrator.

(1) To recommend for appointment, removal, or discipline by the board all department heads; and to appoint, remove, or otherwise discipline all subordinate officers and employees, all appointments to be made upon merit and fitness alone. All personnel actions are subject to review by the board of mayor and aldermen.

(2) To see that all laws and ordinances, subject to enforcement by him or by officers subject to his direction, are enforced, and upon knowledge or information of any violation thereof to see that prosecutions are instituted.

(3) To attend all board meetings and to have the right to take part in any discussions, but not to vote.

(4) To prepare and submit, in collaboration with the city recorder and budget committee, an annual operating budget to the board prior to the beginning of the fiscal year.

(5) To submit to the board a complete report on the financial condition of the city at the end of each fiscal year and at such other times as may be required by the board.

(6) To make such other reports on the activities of the city as the city board may require or as he sees the need for and to make such recommendations as in his opinion are necessary to improve the effectiveness and efficiency of the city's operations or as are needed for the overall good of the city.

(7) To act, in the absence of the city recorder, as purchasing agent for the city, purchasing all materials, supplies, and equipment needed by the city in accordance with the state's purchasing laws and procedures.

(8) To perform other duties required by the city charter or the city board. (as added by Ord. #2004-6, Oct. 2004)

CHAPTER 3

CODE OF ETHICS

SECTION

- 1-301. Applicability.
- 1-302. Definition of "personal interest."
- 1-303. Disclosure of personal interest in voting matters.
- 1-304. Disclosure of personal interest in nonvoting matters.
- 1-305. Acceptance of gratuities, etc.
- 1-306. Use of information.
- 1-307. Use of municipal time, facilities, etc.
- 1-308. Use of position or authority.
- 1-309. Outside employment.
- 1-310. Ethics complaints.
- 1-311. Violations.

1-301. Applicability. This chapter constitutes the code of ethics for officials and employees of the City of Spencer. 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 "municipality" include these separate entities. (as added by Ord. #2007-10, June 2007)

1-302. Definition of "personal interest." (1) For purposes of §§ 1-303 and 1-304, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a city board not otherwise regulated by state statutes on conflicts of interest; 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. #2007-10, June 2007)

1-303. Disclosure of personal interest in voting matters. 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. #2007-10, June 2007)

1-304. 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. #2007-10, June 2007)

1-305. 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:

(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 city business. (as added by Ord. #2007-10, June 2007)

1-306. 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. #2007-10, June 2007)

1-307. 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. (as added by Ord. #2007-10, June 2007)

1-308. Use of position or authority. (1) An official or employee may not use 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. #2007-10, June 2007)

1-309. 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 city position or conflicts with any provision of the city's charter or any ordinance or policy. (as added by Ord. #2007-10, June 2007)

1-310. 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 that the city council hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest 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 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 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 city 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 a violation of this code of ethics. (as added by Ord. #2007-10, June 2007)

1-311. 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's charter or other applicable law and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-10, June 2007)

CHAPTER 4

PUBLIC RECORDS

SECTION

1-401. Maintenance, preservation, and protection of public records.

1-401. Maintenance, preservation, and protection of public records. Procedures regarding access to and inspection of public records.

(1) Consistent with the Public Records Act of Tennessee, personnel of the City of Spencer shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.

(2) Employees of the City of Spencer shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of employees of the city. All copying of public records must be performed by employees of the city.

(3) In order to prevent excessive disruptions of the work of employees of the city, and disruptions of the essential functions and duties of such employees, persons requesting inspection and/or copying of public records shall complete a records request form to be furnished by the city. Persons requesting access to open public records shall describe such records with particularity, so the records may be located and copied by employees.

(4) When voluminous records are requested in writing using the designated form, the person requesting such access shall make an appointment with the records supervisor or his designee of the department holding such records. Appointments for inspection of records shall be for no longer than two (2) hours in one (1) day per request. If further inspection is needed by the requesting party, another appointment may be scheduled. The purpose of this policy is to prevent monopolization of working hours of city employees, and interference with their work duties. Employees shall make every effort to schedule appointments and copying of records so as to provide full access to the requesting party.

(5) Persons may further request that copies be made of open public records. The charge for such copies shall be fifty cents (\$0.50) per page. Payment of such copying fees is due when the copies are received by the requesting party. If voluminous copies are requested, the city reserves the right to take seventy-two (72) hours, during the work week, to prepare such copies pursuant to a written request. No open public records may be removed from city office for the purpose of copying.

(6) If the public records requested are frail due to age or other conditions, and copying of such records will cause damage to the original records, the requesting party may be required to make an appointment for inspection as provided in subsection (4).