

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. IN GENERAL.
2. MAYOR AND BOARD OF COMMISSIONERS.
3. MAYOR.
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CHAPTER 1

IN GENERAL

SECTION

- 1-101. Administrative departments.
- 1-102. Each department to be under a commissioner or board.
- 1-103. Commissioners' power of suspension.

1-101. Administrative departments.² For administrative purposes only, the city shall have the following departments:

1. Police;
2. Fire;
3. Parks and recreation (includes building maintenance);
4. Streets (includes animal control and storm water control);
5. Planning and development (includes codes enforcement and tourism). (Ord. #760, Aug. 2003, as replaced by Ord. #789, June 2006)

¹Charter reference

Administration of schools: art. VII, C.

Municipal code reference

Plumbing inspectors: title 12, chapter 2.

Electrical inspectors: title 12, § 12-304.

Organization of fire department: title 7, chapter 3.

Administration of utilities: title 2, chapter 2.

²Charter reference

Administrative organization of the city: art. VII, § 1.

1-102. Each department to be under a commissioner or board.

Except where the charter or board has delegated the control and operation of a department to a special board,¹ each department of the city government shall be under the direct supervision of a commissioner who shall be designated by the board as the commissioner of such department or departments. (1982 Code, § 1-102)

1-103. Commissioners' power of suspension.

Any commissioner designated by the board as the commissioner of a city department or departments may suspend any appointed city officer or employee of said department or departments who is found to be, or is reasonably suspected of being, derelict in the performance of his duties or guilty of such misconduct as will likely reflect discredit upon the city. The commissioner shall report any such suspension to the board at its next regular meeting for appropriate action. (1982 Code, § 1-103)

¹Charter reference

Administration of schools: art. VII, C.

CHAPTER 2

MAYOR AND BOARD OF COMMISSIONERS¹

SECTION

1-201. Time and place of regular meetings.

1-202. Order of business.

1-203. General rules of order.

1-204. Compensation.

1-201. Time and place of regular meetings. The mayor and board of commissioners shall hold regular monthly meetings at 5:00 P.M. on the first Monday of each month at the city hall, as provided in art. V., § 2 of the charter. (1982 Code, § 1-201, as amended by Ord. #907, Nov. 2013)

1-202. Order of business. (1) At each regular meeting of the mayor and board of commissioners scheduled pursuant to municipal code § 1-201 (business meeting), the following order of business shall be observed unless dispensed with by a majority of the members present:

- (a) Call to order by the mayor;
- (b) Invocation;
- (c) Roll call by the recorder;
- (d) Approval or correction of minutes of the previous meeting;
- (e) Old business;
- (f) New business; and
- (g) Grievances (administrative appeals from city action adverse to the party);
- (h) Adjournment.

(2) At each regularly-scheduled meeting of the mayor and board of commissioners, not required by municipal code § 1-201 of this code ("workshop"), the following order of business shall be observed unless dispensed with a majority of the members present:

- (a) Call to order by the mayor;
- (b) Visitors;
- (c) Concerns from citizens;
- (d) Workshop discussion;
- (e) Agenda review; and
- (f) Adjournment.

¹Charter references

Elections: art. III.

Mayor and board of commissioners: art. IV.

Legislative powers and procedure: art. V.

(3) At each called meeting of the mayor and board of commissioners, the following order of business shall be observed unless dispensed with a majority of the members present:

- (a) Call to order by the mayor;
- (b) Business for which the meeting is called and public notice has been published; and
- (c) Adjournment. (1982 Code, § 1-202, modified, as amended by Ord. #768, May 2004, and replaced by Ord. #970, Jan. 2019 *Ch7_02-07-22*)

1-203. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the mayor and board of commissioners 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. (1982 Code, § 1-203)

1-204. Compensation. Each commissioner of the City of Sweetwater shall be paid an annual salary of four thousand eight hundred dollars (\$4,800.00) for his or her service to the city. (as added by Ord. #885, Aug. 2012)

CHAPTER 3**MAYOR¹****SECTION**

- 1-301. Generally supervises city affairs.
- 1-302. Executes city contracts.
- 1-303. May bid in property for the city.
- 1-304. May suspend officers and employees.
- 1-305. Compensation.

1-301. Generally supervises city affairs. The mayor shall have general supervision of all affairs of the city and may require such reports from the various city officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1982 Code, § 1-301)

1-302. Executes city contracts. The mayor shall execute all city contracts as authorized by the mayor and board of commissioners. (1982 Code, § 1-302)

1-303. May bid in property for the city. When any property which the city is authorized to purchase is being sold for delinquent taxes, the mayor is authorized to bid in the same for the city. (1982 Code, § 1-303)

1-304. May suspend officers and employees. The mayor may suspend any appointed officer or employee of the city who is found to be, or is reasonably suspected of being, derelict in the performance of his duties or guilty of such misconduct as will likely reflect discredit upon the city. The mayor shall report any such suspension to the board at its next regular meeting for appropriate action. (1982 Code, § 1-304)

1-305. Compensation. The Mayor of the City of Sweetwater shall be paid an annual salary of six thousand dollars (\$6,000.00) for his or her service to the city. (as added by Ord. #885, Aug. 2012)

¹Charter reference
Mayor: art. IV.

CHAPTER 4**RECORDER¹****SECTION**

1-401. To be bonded.

1-402. To maintain insurance or bond.

1-403. To keep minutes of board's meetings.

1-404. To keep financial records and make reports.

1-401. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the mayor and board of commissioners. (1982 Code, § 1-401, modified)

1-402. To maintain insurance or bond. The recorder shall at all times maintain a blanket employee dishonesty crime insurance policy or a blanket honesty bond of such sum as may be fixed by the mayor and board of commissioners. (1982 Code, § 1-402, modified)

1-403. To keep minutes of board's meetings. The recorder shall keep a complete minute record of all proceedings at meetings of the mayor and board of commissioners. (1982 Code, §1-403)

1-404. To keep financial records and make reports. The recorder shall keep a complete record of all corporate money received and paid out and shall make a summary report from such record to the board at least quarterly and at such other times as the board may request. He shall also prepare and render such other reports as the board may from time to time require. (1982 Code, § 1-404)

¹Charter references
Recorder's duties: art. VII, B.

CHAPTER 5

CITY ATTORNEY¹

SECTION

- 1-501. To attend board meetings.
- 1-502. To draft and/or review ordinances, etc.
- 1-503. To furnish legal advice and opinions.
- 1-504. To represent the city in the courts, etc.
- 1-505. Compensation.

1-501. To attend board meetings. The city attorney shall attend all board meetings unless his absence is unavoidable. (1982 Code, § 1-501)

1-502. To draft and/or review ordinances, etc. The city attorney shall draft and/or review and revise all such ordinances² and resolutions as the mayor or board may request. (1982 Code, § 1-502)

1-503. To furnish legal advice and opinions. The city attorney shall give advice and, upon request, prepare written opinions on all legal questions submitted to him by the board, the mayor, or any commissioner when such questions officially concern or relate to the city. (1982 Code, § 1-503)

1-504. To represent the city in the courts, etc. The city attorney, upon request of the mayor or board, shall appear and represent the city in or before all city, county, state, and federal courts and administrative and legislative bodies which may be considering any case or cause of concern to the city. (1982 Code, § 1-504)

1-505. Compensation. In addition to his annual retainer fee as fixed by the board, the city attorney shall receive such compensation for professional services rendered as the board may from time to time approve. (1982 Code, § 1-505, modified)

¹Charter reference

City attorney: art. VII, D.

²Charter reference

Ordinance adoption procedure: art. V, § 4.

CHAPTER 6

CODE OF ETHICS

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in nonvoting 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.

1-601. Applicability. This chapter is the code of ethics for personnel of the City of Sweetwater, excluding the Sweetwater Utilities Board and its employees. 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, excluding the Sweetwater Utilities Board and its employees. The words "municipal" and "municipality" include these separate entities. The Sweetwater Utilities Board and its employees are subject to a separate code of conduct previously adopted and applicable to SUB and its employees, which policy the mayor and board of commissioners has reviewed and approved by separate resolution. (as added by Ord. #796, May 2007)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604 below, "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. #796, May 2007)

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 himself from voting on the measure. (as added by Ord. #796, May 2007)

1-604. 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. #796, May 2007)

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity or other kind of 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. #796, May 2007)

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. #796, May 2007)

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 governing body to be in the best interests of the municipality. (as added by Ord. #796, May 2007)

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 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. #796, May 2007)

1-609. 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. #796, May 2007)

1-610. 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 the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics. (as added by Ord. #796, May 2007)

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 governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #796, May 2007)