

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. GOVERNING BODY.
2. ADMINISTRATION.
3. CODE OF ETHICS.

CHAPTER 1

GOVERNING BODY²

SECTION

- 1-101. Time of election of councilmen.
- 1-102. Time and place of regular meetings.
- 1-103. Order of business.

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.

Ordinance #90, which establishes a joint civil defense organization with the county, is of record in the city clerk's office.

²Charter references

For detailed provisions of the charter related to the election, and to general and specific powers and duties of the city council, see Tennessee Code Annotated, title 6, chapter 32. In addition, see the following provisions in the charter that outline some of the powers and duties of the city council:

Appointment and duties of city clerk: § 6-35-401.

Appointment and duties of city manager: title 6, chapter 35, part 2.

Election and duties of mayor: § 6-32-106.

Qualifications, elections, terms, vacancies and recall of councilman: title 6, chapter 31.

- 1-104. General rules of order.
- 1-105. Compensation of mayor and council.
- 1-106. Terms of council.

1-101. Time of election of councilmen. Pursuant to option granted by Chapter No. 69, Senate Bill No. 418, enacted by the nineteen seventy-one (1971) Tennessee General Assembly, amending Tennessee Code Annotated, § 6-31-102, the mayor and councilmen hereby designate the first (1st) Tuesday after the first (1st) Monday in November as the date of holding its regular biennial municipal election, to coincide with the election of members of the General Assembly and Representatives in the Congress of the United States, as provided in Tennessee Code Annotated, title 2. (1963 Code, § 1-101)

1-102. Time and place of regular meetings. The governing body shall hold regular meetings on the first (1st) and third (3rd) Tuesdays of each month. (Ord. #12-93, April 1993)

1-103. Order of business. At each meeting of the governing body, 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 city clerk.
- (3) Reading of minutes of the previous meeting(s) by the city clerk and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the city manager.
- (6) Reports from committees, members of the governing body, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1963 Code, § 1-103)

1-104. 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 governing body 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. (1963 Code, § 1-104, modified)

1-105. Compensation of mayor and council. The mayor shall be compensated two hundred dollars (\$200.00) per month and the members of the council shall be compensated one hundred fifty dollars (\$150.00) per month.

The compensation shall commence and be paid at the end of the term of the council person whose term last expires. (Ord. #10-01, Oct. 2000)

1-106. Terms of council. The terms of the council members representing Ward 1, Ward 4, and the at-large council member who received the most votes in the election for the at-large council member held in November 2004 be shortened and expire in November of 2006. The election for these three (3) council member positions shall be held on the first Tuesday after the first Monday in November, 2006 to coincide with the election of members of the General Assembly, commencing with the November, 2006 election. The terms of the council members elected in November of 2006 shall be four (4) years.

The terms of office of the council members representing Ward 2, Ward 3, Ward 5, and the at-large council member who received the second most votes in the election for at-large council member held in November 2004 shall expire in November of 2008. The election for these four (4) council member positions shall be held on the first Tuesday after the first Monday in November 2008 to coincide with the election of members of the General Assembly, commencing with the November 2008 election. The terms of the council members elected in November 2008 shall be four (4) years. (as added by Ord. #26-05, June 2005)

CHAPTER 2

ADMINISTRATION

SECTION

1-201. Administrative organization.

1-202. City clerk.

1-201. Administrative organization. For administrative purposes the city government shall be organized to have ten (10) departments headed respectively by a Director of Administrative and Accounting, a Director of Public Works, a Director of Cemetery and Parks, a Director of Water, a Director of Wastewater, a Director of Planning and Code Enforcement, a Chief of Fire, a Chief of Police, a Director of Turf Management, and a Director of Animal Control. Each department may be subdivided into functional divisions as may be recommended by the head of the affected department and approved by the city manager. The ten (10) department heads shall be appointed by and work under the supervision and direction of the city manager. (Ord. #29-88, June 1988, as replaced by Ord. #138-14, June 2014)

1-202. City clerk. The city manager shall appoint a city clerk and up to three (3) deputy city clerks. The city clerk shall work under the supervision and direction of the city manager. (1963 Code, § 1-202)

CHAPTER 3

CODE OF ETHICS

SECTION

- 1-301. Applicability.
- 1-302. Definitions.
- 1-303. Gift ban.
- 1-304. Gift ban exceptions.
- 1-305. Disposition of gifts.
- 1-306. Disclosure of personal interests by official with vote.
- 1-307. Disclosure of personal interests on nonvoting matters.
- 1-308. City clerk to maintain disclosure file.
- 1-309. Ethics complaints.
- 1-310. Violations.

1-301. 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. #57-07, May 2007)

1-302. Definitions. For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (1) "City" means the municipality of Union City, Tennessee.
- (2) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (3) "Immediate family" means parents, spouse and children.
- (4) "Personal interest" means:
 - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the city, or is regulated by any agency of the city; or
 - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the city has or is negotiating an acquisition, leasehold or easement agreement; or
 - (c) Any such financial or ownership interest as defined in § 1-302(4)(a) and (b) of this chapter by the officer or employee's spouse or immediate family member. (as added by Ord. #57-07, May 2007)

1-303. Gift ban. Except as permitted in § 1-304 of this chapter, no official or employee, nor any immediate family member of such official or employee for whom this chapter is applicable, shall intentionally or knowingly solicit or accept any gift as defined herein. (as added by Ord. #57-07, May 2007)

1-304. Gift ban exceptions. Section 1-303 of this chapter is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered. For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (as added by Ord. #57-07, May 2007)

1-305. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (as added by Ord. #57-07, May 2007)

1-306. Disclosure of personal interests 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 so it appears in the minutes, any personal interest that affects the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (as added by Ord. #57-07, May 2007)

1-307. Disclosure of personal interests on 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 the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city clerk. In addition, the official or employee may, to the extent allowed by law, charter,

ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #57-07, May 2007)

1-308. City clerk to maintain disclosure file. The city clerk shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of seven (7) years after which the statements shall be destroyed. (as added by Ord. #57-07, May 2007)

1-309. 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 laws.

(2) Except as otherwise provided in this chapter, 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 to end any activity that, in the attorney's judgment, constitutes a violation of this chapter. The city attorney may request that the city council retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against the mayor or 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 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 city council.

(4) When a violation of this chapter also constitutes a violation of the city's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (as added by Ord. #57-07, May 2007)

1-310. 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 charter or other applicable law and, in addition, is subject to censure by the city council. The city manager, city attorney, or municipal employee who violates any provision of this chapter is subject to disciplinary action up to, and including termination of employment. (as added by Ord. #57-07, May 2007)