

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CITY MANAGER.
5. VOTING PRECINCTS.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

SECTION

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

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<sup>1</sup>Charter 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.

<sup>2</sup>Charter references

Appropriations; prohibited: § 12.  
Appropriations; limitation: § 16.  
Compensation: § 38.  
Issuance of bonds: § 39.  
Legislative powers: § 8.  
Municipal elections: § 4.  
Oath of office: § 5.  
Ordinance powers: § 9.  
Qualifications: § 4.  
Tenure: § 7.  
Vacancies in office: § 6.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M., on the second and fourth Mondays of each month at the city hall. (1984 Code, § 1-101)

1-102. Order of business. At each meeting of the board of mayor and aldermen 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 the city manager, committees, aldermen and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1984 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 aldermen 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. (1984 Code, § 1-103, modified)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs of the city and may require such reports from the various officers and employees of the city as he may reasonably deem necessary to carry out his executive responsibilities as provided for in the charter. (1984 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1984 Code, § 1-202)

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<sup>1</sup>Charter references

Compensation: §§ 31 and 38.

Oath of office: §§ 5 and 31.

Qualifications: § 4.

Powers and duties: § 31.

Tenure: § 7.

Vacancy in office: §§ 6 and 32.

Veto power: § 31.

## CHAPTER 3

RECORDER<sup>1</sup>

## 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 the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1984 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1984 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not expressly assigned by the charter or this code to another city officer. He shall also have custody of, and be responsible for maintaining all city bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1984 Code, § 1-303)

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<sup>1</sup>Charter references

Appointment by mayor: § 4.

Assessment of property taxes: § 25.

Bond: §§ 18 and 30.

Collect property taxes: § 26.

Compensation: § 38.

Duties: § 30.

Oath of office: § 5.

Qualifications: § 4.

To keep tax books: § 25.

## CHAPTER 4

CITY MANAGER<sup>1</sup>

## SECTION

1-401. Appointment and tenure.

1-402. Authority, powers and duties.

1-401. Appointment and tenure. The board of mayor and alderman may, at its discretion, employ a city manager who shall be appointed by the mayor and confirmed by, and serve at the pleasure of, the board of mayor and aldermen. (1984 Code, § 1-401)

1-402. Authority, powers and duties. The city manager shall have such authority, powers and duties as the board of mayor and aldermen prescribes by resolution. (1984 Code, § 1-402)

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<sup>1</sup>Charter references

Appointment: § 38.

Duties: § 38.

## CHAPTER 5

VOTING PRECINCTS

## SECTION

1-501. Establishment of voting precinct for city elections.

1-502. Conduct of elections.

1-503. Costs for holding elections.

1-501. Establishment of voting precinct for city elections. For the conduct of all city elections in and for the City of Waverly, Tennessee, there is hereby established one precinct which shall consist of all of the territory within the corporate limits of the City of Waverly. The polling place for said precinct shall be at the Humphreys County Court House. (1984 Code, § 1-1301, as amended by Ord. #1991-4, Feb. 1991)

1-502. Conduct of elections. The Election Commission of Humphreys County, Tennessee shall call, conduct, hold, canvas and certify the results of all municipal elections in and for the City of Waverly, Tennessee as provided by the general laws of the State of Tennessee and as provided in the charter of the city and of such other elections as may be provided for from time to time pursuant to the ordinances and resolutions of the board of mayor and aldermen of the City of Waverly, Tennessee. (1984 Code, § 1-1302)

1-503. Costs for holding elections. The costs for the holding of all municipal elections within the City of Waverly, Tennessee shall be paid from the general funds of the city as may be appropriated from time to time by the appropriation ordinances enacted by the board of mayor and aldermen. (1984 Code, § 1-1303)

CHAPTER 6

CODE OF ETHICS

SECTION

1-501. Applicability.

1-502. General.

1-503. Disclosure of personal interest by official with vote.

1-504. Disclosure of personal interest in nonvoting matters.

1-505. Acceptance of gratuities, etc.

1-506. Use of information.

1-507. Use of municipal time, facilities, etc.

1-508. Use of position or authority.

1-509. Outside employment.

1-510. Ethics complaints.

1-511. Violations.

1-501. Applicability. This chapter establishes a code of ethics for full and part time elected and appointed officials and employees of City of Waverly (hereinafter referred to as the "municipality"), whether compensated or not, including those serving on separate boards, commissions, committees, authorities, corporations, and other instrumentalities appointed or created by the municipality. (as added by Ord. #2007-08, March 2007)

1-502. General. For purposes of this chapter the following terms shall have the meanings assigned:

(1) "Personal interest" shall be: (a) Financial, ownership, or employment interest in the subject of a vote by a municipal official which is not otherwise regulated by state statutes relative to conflicts of interest; or

(b) Financial, ownership, or employment interest in a matter regulated or supervised by a municipal official or employee which is not otherwise regulated by state statutes relative to conflicts of interest, or

(c) Financial, ownership, or employment interest of a family member of a municipal official or employee.

(2) A "family member" is a spouse, parent, stepparent, grandparent, sibling, child, or stepchild.

(3) "Employment interest" includes situations in which a municipal official or employee or a family member is negotiating possible employment with a person or organization that is the subject of the vote of a municipal official or who will be regulated or supervised by a municipal official or employee.

(4) 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.

(5) Nothing herein shall be deemed to repeal or supersede the provisions of chapter 3 of title 4 of Waverly Municipal Code regulating conflicts of interest of municipal officers and employees, but the provisions of this chapter shall be deemed to be in addition and supplementary thereto. (as added by Ord. #2007-08, March 2007)

1-503. Disclosure of personal interest by official with vote. A municipal official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote is taken, so that it appears in the minutes, any personal interest that affects or would lead a reasonable person to infer that it affects the vote on the measure. The municipal official may recuse himself or herself from voting on the measure. (as added by Ord. #2007-08, March 2007)

1-504. Disclosure of personal interest in nonvoting matters. A municipal 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 such discretion, before the exercise of the discretion, when possible, shall disclose his or her interest in writing which shall be filed with the recorder. 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. #2007-08, March 2007)

1-505. Acceptance of gratuities, etc. A municipal 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 performing an act or refraining from performing an act expected or required to be performed in the regular course of his or her duties; or

(2) That might reasonably be interpreted as an attempt to influence his or her action or reward him or her for past action in executing municipal business. (as added by Ord. #2007-08, March 2007)

1-506. Use of information. (1) A municipal official or employee may not disclose any information obtained in his or her official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) A municipal official or employee may not use nor disclose information obtained in his or her official capacity or position of employment with intent to result in financial gain for himself or herself or any other person or entity. (as added by Ord. #2007-08, March 2007)



1-507. Use of municipal time, facilities, etc. (1) A municipal official or employee may not use nor authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself or herself or to a family member.

(2) A municipal official or employee may not use nor 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. #2007-08, March 2007)

1-508. Use of position or authority. (1) A municipal official or employee may not make nor attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) A municipal official or employee may not use nor attempt to use his or her position to secure any privilege or exemption for himself or herself or others which is not authorized by the charter, general law, ordinance or policy of the municipality. (as added by Ord. #2007-08, March 2007)

1-509. Outside employment. A municipal official or employee may not accept nor continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of his or her municipal position or conflicts with any provision of the municipal charter, ordinance or policy. (as added by Ord. #2007-08, March 2007)

1-510. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of a municipal official or employee who is 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 credible complaints against appointed municipal officials and employees charging violation of this chapter, or undertake an investigation on his or her own initiative when information indicated a possible violation. The city attorney shall make recommendations for action to end or seek retribution for any activity which in his or her judgment constitutes a violation of this chapter.

(b) The city attorney may request the governing body engage another attorney, individual, or entity to act as ethics officer when he or she 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 governing body and the governing body determines the complaint has merit or sufficient appearance of merit to warrant further investigation, the governing body

shall authorize and direct an investigation by the city attorney or by such other individual or entity designated by the governing body.

(3) In interpreting and enforcing this chapter the standard shall be what a reasonable municipal official or employee would do in the same or similar circumstances.

(4) When a violation of this chapter also constitutes a violation of a personnel policy, rule, or regulation of the municipality, the violation shall be dealt with as a violation of such provisions in addition to a violation of this chapter. (as added by Ord. #2007-08, March 2007)

1-511. Violations. An elected or appointed official or appointed member of a separate board, commission, committee, authority, corporation, or other instrumentality of the municipality who violates any provision of this chapter shall be punished as provided by the charter or other applicable law and in addition shall be subject to removal from office as provided by law and/or censure by the governing body. A municipal employee who violates any provision of this chapter is subject to disciplinary action as the governing body shall determine. (as added by Ord. #2007-08, March 2007)