

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TREASURER.
5. CITY ATTORNEY.
6. CODE OF ETHICS.

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.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Time and place for regular meeting.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Form of ordinances.
- 1-105. Compensation of mayor and aldermen.
- 1-106. Terms of the mayor and aldermen.
- 1-107. Elected officers.

1-101. Time and place for regular meeting. The board of mayor and aldermen shall hold its regular monthly meeting at 6:00 P.M., local time, on the second Monday of each month at the Jasper Town Hall Annex located at 700 Phillips Avenue in Jasper, Tennessee. (1983 Code, § 1-101, as amended by Ord. # 182, Dec. 1991, Ord. # 185, April 1992, and Ord. #219, § 1, Oct. 1995, and replaced by Ord. #325, May 2008)

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.

¹Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapters 1 through 3. For specific charter provisions on the following subjects related to the board of mayor and aldermen, see the sections indicated.

City Administrator: 6-4-101.

Compensation: 6-3-109.

Duties of Mayor: 6-3-106.

Election of the board: 6-3-101.

Oath: 6-3-105.

Ordinance procedure

Publication: 6-2-101.

Readings: 6-2-102.

Residence requirements: 6-3-103.

Vacancies in office: 6-3-107.

Vice-Mayor: 6-3-107.

- (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 committees, members of the board of mayor and aldermen, and other officers.
- (7) New business.
- (8) Adjournment. (1983 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. (1983 Code, § 1-103)

1-104. Form of ordinances.¹ Ordinances enacted by the board of mayor and aldermen shall be in substantially the following format:

ORDINANCE NO. _____

An ordinance to (briefly set out the title and purpose of the ordinance)
_____.

BE IT ORDAINED AND ENACTED by the board of mayor and aldermen of the Town of Jasper, of the County of Marion, and the State of Tennessee:

Section 1. That (set out ordinance provision)_____

(continue with additional sections as necessary).

Section __. That should any part of the ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section __. That this ordinance shall take effect and be in force from and after (specify date) on final passage and publication, the public welfare requiring it.

¹See the charter, §§ 6-2-101 and 6-2-102 which relate to the ordinance adoption process.

Passed and approved by the board of mayor and aldermen, on final reading on the ____ day of _____, 19__.

(seal)

Mayor

ATTEST:

Recorder

Passed on 1st reading ____ (specify date) ____.

Passed on 2nd reading ____ (specify date) ____.

(1983 Code, § 1-104)

1-105. Compensation of mayor and aldermen. (1) The Mayor of the Town of Jasper shall devote such time as is necessary to competently carry out the duties of mayor as defined in Jasper Municipal Code § 1-201. The mayor shall be paid by the Town of Jasper a salary in the amount of thirty-six thousand nine hundred forty-one dollars and two cents (\$36,941.02) per fiscal year, plus all other benefits to which a full-time employee of the Town of Jasper is entitled, including medical insurance and retirement.

The alderman serving as vice-mayor shall be compensated in the amount of one hundred thirty-one dollars and twenty-five cents (\$131.25) for attendance at each regular and/or special meeting of the board of mayor and aldermen.

Each of the remaining aldermen shall receive compensation in the amount of one hundred five dollars (\$105.00) for attendance at each regular and/or special meeting of the board of mayor and aldermen. (1983 Code, § 1-105, as amended by Ord. #200, July 1993, replaced by Ord. #221, §§ 1 and 2, May 1996, amended by Ord. #234, § 1, Oct. 1997, and Ord. #241, Nov. 1998, replaced by Ord. #262, Nov. 2000, Ord. #273, Oct. 2001, Ord. #282, Dec. 2002, and Ord. #287, Jan. 2004, and amended by Ord. #293, Jan. 2005, Ord. #299, Feb. 2006, Ord. #310, Dec. 2006, Ord. #322, Nov. 2007, Ord. #335, Dec. 2008, Ord. #340, Nov. 2010, and Ord. #344, Oct. 2011)

1-106. Terms of the mayor and aldermen. The current staggered two-year terms of the mayor and aldermen of the Town of Jasper, Tennessee, shall be changed to staggered four-year terms, subject to the following provisions.

The position of mayor currently held by Larry Simcox and the position of alderman currently held by Jerry Rice shall be subject to re-election in 1993, and the individuals elected for those positions shall be so elected for a three-year term. After this initial election, all members of the board of mayor and aldermen shall be elected for four-year terms. (Ord. #196, Feb. 1993)

1-107. Elected officers. (1) The elected officers of the Town of Jasper, Tennessee, shall consist of four aldermen and one mayor.

(2) Wards 1 and 2 of the Town of Jasper as they currently exist are hereby abolished, and from henceforth, the Town of Jasper shall consist of only one ward from which the mayor and all aldermen shall be elected at large.

(3) The aldermen currently serving, to wit, Melvin N. Turner, Leon A. Rash, James D. Kirk, and Gerald K. White, shall continue to serve for the remainder of their elected terms as aldermen at large. (Ord. #198, Jun. 1993, as replaced by Ord. #269, June 2001)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties of mayor.

1-201. Duties of mayor. The mayor:

(1) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;

(2) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;

(3)(a) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability.

(b) The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in this chapter.

(4)(a) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(b) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(5) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(6) As a member of the board, may make motions and shall have a vote on all matters coming before the board;

(7) Shall make appointments to boards and commissions as authorized by law.

(8)(a) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

(b) Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

¹Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapters 1 through 3. For specific charter provisions on the following subjects related to the mayor, see the section indicated:

Vacancies in office: 6-3-107.

Vice-Mayor: 6-3-107.

(9) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;

(10) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance; and

(11) Administer the business of the municipality;

(12) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(13) Keep the board fully advised as to the conditions and needs of the municipality.

(14) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

(15) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;

(16) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval of the board; and

(17) Perform such other duties as may from time to time be designated or required by the board. (1983 Code, § 1-201, modified)

CHAPTER 3

RECORDER¹

SECTION

1-301. Appointment and term.

1-302. To be bonded.

1-303. To keep minutes, etc.

1-304. To perform general administrative duties, etc.

1-305. Recorder and treasurer may be same person.

1-301. Appointment and term. The recorder shall be appointed by resolution of the board of mayor and aldermen and shall serve at its pleasure. (1983 Code, § 1-301)

1-302. 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 board of mayor and aldermen. (1983 Code, § 1-302)

1-303. 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. (1983 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the governing body and for the municipality which are not assigned by the charter, this code, or the governing body to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1983 Code, § 1-304)

1-305. Recorder and treasurer may be same person. Nothing contained in the municipal code shall prohibit the same person from simultaneously holding the office of both the recorder and the treasurer. (1983 Code, § 1-305)

¹Charter references

City recorder: 6-4-201 et seq.

Recorder as treasurer: 6-4-401(c).

Recorder as judge: 6-4-301(b)(1)(C).

CHAPTER 4

TREASURER

SECTION

1-401. Appointment and term.

1-402. To be bonded.

1-403. Duties.

1-404. Treasurer and recorder may be same person.

1-401. Appointment and term. The treasurer shall be appointed by resolution of the board of mayor and aldermen and shall serve at its pleasure. (1983 Code, § 1-401)

1-402. To be bonded. The treasurer shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1983 Code, § 1-402)

1-403. Duties. It shall be the duty of the treasurer to receive and disburse such monies paid into the Town of Jasper and to perform other financial duties as are authorized and directed by the board of mayor and aldermen. (1983 Code, § 1-403)

1-404. Treasurer and recorder may be same person. Nothing contained in the municipal code shall prohibit the same person from simultaneously holding the office of both treasurer and recorder. (1983 Code, § 1-404)

CHAPTER 5

CITY ATTORNEY

SECTION

- 1-501. Office created.
- 1-502. Appointment and term.
- 1-503. Duties.
- 1-504. Salary.
- 1-505. Responsibility to successor.

1-501. Office created. There is hereby created for the Town of Jasper, Tennessee the office of city attorney. (1983 Code, § 1-1001)

1-502. Appointment and term. The city attorney shall by resolution of the board of mayor and aldermen be appointed for a term of one (1) year, which term shall commence on the first day of January. If for any reason the city attorney is succeeded during the term of his office, the term of his successor shall end the first day of January of the year following his appointment. However, any person appointed to the office of city attorney may also be removed at any time by a majority vote of the board of mayor and aldermen. (1983 Code, § 1-1002)

1-503. Duties. The city attorney shall represent the Town of Jasper in all legal matters and proceedings in which the town is interested, or in which any of its officers are officially interested; attend such meetings of the board of mayor and aldermen as he may be requested to attend; advise the board of mayor and aldermen and officials of the town as to all legal questions affecting the town's interest; approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the town; assist the mayor in general supervision of all business of the town; keep the board of mayor and aldermen informed as to the financial condition and needs of the town; and perform such other legal or administrative duties as may be from time to time designated by the board of mayor and aldermen. (1983 Code, § 1-1003)

1-504. Salary. The charges for the services of the city attorney shall be submitted to the board of mayor and aldermen quarterly, shall be based on the amount of time spent performing services for the town, and shall be paid from the department fund for which the services are related, if this can be determined, otherwise, if not, from the general fund. (1983 Code, § 1-1004, as replaced by Ord. #324, April 2008)

1-505. Responsibility to successor. The city attorney shall deliver all records, documents, and property of every description in his possession, belonging to his office or to the town, to his successor in office, who shall give him duplicate receipts therefor. (1983 Code, § 1-1005)

CHAPTER 6

CODE OF ETHICS¹

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.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

1-601. Applicability. This chapter is the code of ethics for personnel of the Town of Jasper. 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 "Town of Jasper," "municipal" and "municipality" include these separate entities. (as added by Ord. #314, March 2007)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "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. #314, March 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 himself¹ from voting on the measure. (as added by Ord. #314, March 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

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

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. #314, March 2007)

1-605. 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 Town of Jasper:

(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. #314, March 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. #314, March 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 Town of Jasper. (as added by Ord. #314, March 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 Town of Jasper.

(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 Town of Jasper. (as added by Ord. #314, March 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 Town of Jasper's charter or any ordinance or policy. (as added by Ord. #314, March 2007)

1-610. Ethics complaints. (1) The town's 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 town 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 town 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 town's 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 town's 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. #314, March 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. #314, March 2007)