

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TOWN ADMINISTRATOR.
5. MISCELLANEOUS.
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 of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation for aldermen.
- 1-105. Compensation for mayor.
- 1-106. No compensation for participation in committee meetings.
- 1-107. Attendance.
- 1-108. Election date.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:00 P.M. on the second Monday of each month at the town hall. Temporary changes in the date, time or place may be made by the board of mayor and aldermen, as they deem necessary. All changes in date, time or place shall be subject to proper public notification. (Ord. # 180-88, Dec. 1988, as amended by Ord. #298-04, April 2004)

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:

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.

- (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 committees, members of the board of mayor and aldermen, and other officers.
 - (7) Old business.
 - (8) New business.
 - (9) Adjournment.
- (1985 Code § 1-102)

1-103. 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 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. (1985 Code, § 1-103)

1-104. Compensation for aldermen. (1) The rate of compensation for each Alderman is hereby established as one hundred dollars (\$100.00), for each monthly meeting.

(2) The rate of compensation for each alderman for a special called meeting of the board of mayor and aldermen is hereby established as fifty dollars, (\$50.00), for each meeting. (Ord. # 192-89, Feb. 1990)

1-105. Compensation for mayor. (1) The rate of compensation for the mayor is hereby established as two hundred dollars (\$200.00), for each regular monthly meeting.

(2) The rate of compensation for the mayor for a special called meeting of the board of mayor and aldermen is hereby established as one hundred dollars, (\$100.00), for each meeting. (Ord. # 192-89, Feb. 1990)

1-106. No compensation for participation in committee meeting. No member of the board of mayor and aldermen shall receive any compensation for attendance or participation in any committee meeting that may be required. (Ord. # 192-89, Feb. 1990)

1-107. Attendance. Attendance shall be required at any meeting in order for any member of the board of mayor and aldermen to receive compensation for said meeting. (Ord. # 192-89, Feb. 1990)

1-108.. Election date. (1) The election date for the Town of Dover is the second Tuesday in February in even numbered years.

(2) The adoption of this section will not change the term of office of any elected official of the town.

(3) All persons elected to office for the Town of Dover, Tennessee shall assume their duties and receive the oath of office on the date of the regular March meeting of the board of mayor and aldermen preceding the election. (as added by Ord. #296-03, Dec. 2003)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. To be bonded.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1985 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1985 Code, § 1-202)

1-203. To be bonded. The mayor shall be bonded in such sum and with such surety as may be acceptable to the board of mayor and aldermen before assuming the duties of his office. (1985 Code, § 1-203)

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:

Duties of Mayor: 6-3-106.

Vacancies in office: 6-3-107.

Vice-Mayor: 6-3-107.

CHAPTER 3

RECORDER¹

SECTION

1-301. Election.

1-302. To be bonded.

1-303. To keep minutes, etc.

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

1-301. Election. There shall be a town recorder elected by the board of mayor and aldermen, who shall serve for a term of two (2) years, and until his successor has been elected and qualified. (1985 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 before assuming the duties of his office. (1985 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. (1985 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1985 Code, § 1-304)

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

TOWN ADMINISTRATOR

SECTION

1-401. Office of town administrator.

1-402. Town administrator selected by board of mayor and aldermen.

1-403. Bonding of town administrator.

1-404. Town administrator's compensation.

1-405. Duties of town administrator.

1-401. Office of town administrator created. Notwithstanding any provision of this code or the Charter of the Town of Dover, there is hereby created the office and official position of town administrator of the Town of Dover, Tennessee. (Ord. # 193-90, May 1990)

1-402. Town administrator selected by board of mayor and aldermen. The town administrator shall be an adult capable of being bonded. The town administrator shall be under the control and direction of the board and shall report to and be responsible to the board. (Ord # 193-90, May 1990, as amended by Ord. #337-08, March 2008)

1-403. Bonding of town administrator. The town administrator may 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. (Ord. # 193-90, May 1990)

1-404. Town administrator's compensation. The compensation for the town administrator shall be determined by using the Grade and Step system used for other employees. The beginning rate for the position of town administrator shall be that of Grade X Step 1, and be open to review as any other employee. The town administrator shall be entitled to any and all benefits available to other employees of the town. (Ord. # 193-90, May 1990)

1-405. Duties of town administrator. The office of the town administrator shall be subordinate to the board of mayor and aldermen and the town administrator shall report and be responsible to said board. The town administrator shall perform and discharge the following:

(1) Devote his full time to administering the business of the town under the direction of the board of mayor and aldermen.

(2) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the residents of the town.

(3) Keep the board advised as to the conditions and needs of the town.

(4) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed.

(5) Act as purchasing agent for the town and purchase all materials, supplies, equipment and services for the proper conduct of the town's business, provided that all purchases shall be made in accordance with practices and procedures as may be established by the board of mayor and aldermen.

(6) Supervise and coordinate all administrative and day to day activities of each department of the town under the policies of the board.

(7) Recommend to the board programs or projects involving public works or public improvements which should be undertaken by the town and priority of the same.

(8) The town administrator shall approve the employment, dismissal, promotion or demotion of any employee of the town and to keep personnel files on all employees.

(9) Serve as chief financial officer and treasurer for the town and prepare and submit the annual budget for the town to the board.

(10) Perform such other duties as may from time to time be designated or required by the board. (Ord. # 193-90, May 1990, as amended by Ord. # 209-91, Oct. 1991, and Ord. #262-99, July 1999)

CHAPTER 5

MISCELLANEOUS

SECTION

1-501. Copying fees per public request.

1-501. Copying fees per public request. The public is entitled to records maintained by the City of Dover under both state and federal enactments. When the public requests records under state and federal enactments, copies of the records shall be made available at a cost of fifty (\$.50) cents per page. The request shall specify the document to be copied along with the number of pages requested. The city manager shall be responsible for drafting and having available forms for the request for copying. Payment must accompany the form prior to photocopying. The copying fee may be paid by cash, money order, or certified check. (as added by Ord. #273-01, March 2001)

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 non-voting 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 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. #320-06, Sept. 2006)

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. #320-06, Sept. 2006)

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. #320-06, Sept. 2006)

1-604. Disclosure of personal interest in non-voting 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. #320-06, Sept. 2006)

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 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. #320-06, Sept. 2006)

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. #320-06, Sept. 2006)

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. #320-06, Sept. 2006)

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. #320-06, Sept. 2006)

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. #320-06, Sept. 2006)

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 the governing body to 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 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. #320-06, Sept. 2006)

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. #320-06, Sept. 2006)