

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER.
4. CITY MANAGER.
5. CITY DEPARTMENTS.
6. CODE OF ETHICS.

¹Charter reference

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF COMMISSIONERS¹

SECTION

- 1-101. Time and place of regular meetings, work sessions, and town hall meetings
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation.
- 1-105. Approval for recording, broadcasting, or telecasting meetings.
- 1-106. Ordinance adoption procedures.

1-101. Time and place of regular meetings, work sessions, and town hall meetings. (1) The time of the regular meeting of the board of commissioners shall be 6:30 P.M. on the first Thursday of each month. In the event the regular meeting falls on an official holiday or the board of commissioners deems appropriate by a majority vote a new regular meeting date may be set.

(2) The place of the regular meeting of the board of commissioners shall be at the city hall, 10001 U.S. Highway 70, Lakeland, TN.

(3) The time of the work session shall be 6:30 P.M. on the Tuesday nine (9) days before the first Thursday of the following month. In the event the

¹Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.

Appointment and removal of city manager: § 6-21-101.

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Subordinate officers and employees: § 6-21-102.

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.

Ord. #01-15, March 2001, available in the office of the recorder, sets biennial municipal elections on the third Thursday in September.

work session falls on an official holiday or the board of commissioners deems appropriate by a majority vote a new work session date may be set.

(4) The place of the work session of the board of commissioners shall be at the city hall, 10001 U.S. Highway 70, Lakeland, TN.

(5) The time of the town hall meeting (a board of commissioners meeting) shall be 5:30 P.M. before the regular meeting in May and November. In the event the town hall meeting falls on an official holiday or the board of commissioners deems appropriate by a majority vote, a new town hall meeting date may be set.

(6) The place of the town hall meeting shall be at the city hall, 10001 U.S. Highway 70, Lakeland, TN.

(7) If all business has not been completed by adjournment the meeting may be recessed until the following work day at 6:30 P.M.

(8) Any meeting of the board of commissioners, the place of the meeting and the time of the meeting may be changed by majority vote. (1989 Code, § 1-101, as amended by Ord. #98-03, May 1998, Ord. #00-01, March 2000, Ord. #01-21, Sept. 2001, Ord. #02-01, Feb. 2002, Ord. #09-133, July 2009, and Ord. #10-142, Feb. 2010)

1-102. Order of business. At each meeting, including work sessions of the board of commissioners, 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 city recorder:
- (3) Public hearings:
- (4) Consent agenda:
- (5) Minutes of previous meeting(s):
- (6) Consideration and possible action on items removed from the consent agenda:
- (7) Treasurer's report:
- (8) Public discussion:
- (9) Reports from committees, members of the board of commissioners, and other officers:
- (10) Sewerage commission business:
- (11) Old business:
- (12) New business:
- (13) Announcements:
- (14) Adjournment: (1989 Code, § 1-102, as amended by Ord. #02-01, Feb. 2001; Ord. #03-34, May 2003; and Ord. #04-57, Feb. 2004)

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 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. (1989 Code, § 1-103)

1-104. Compensation. The salary of the mayor shall be five hundred dollars (\$500.00) per month. The salary of the other commissioners shall be four hundred dollars (\$400.00) per month. (1989 Code, § 1-104, as amended by Ord. #03-22, Feb. 2003)

1-105. Approval for recording, broadcasting, or telecasting meetings. Video recording, broadcasting or telecasting of any city meeting without the prior written approval of the city commission is prohibited. With the exception of legitimate news media personnel having proper identification. (1989 Code, § 1-105)

1-106. Ordinance adoption procedures. (1)(a) There is hereby established a procedure that every ordinance, or amendment thereto, shall be read two (2) different days in open session before its adoption, with a public hearing in separate and distinct open session between the first and second readings.

(b) Not less than seven (7) days shall elapse between the first reading and the public hearing.

(c) Not less than seven (7) days shall elapse between the public hearing and the second reading.

(d) Not more than one (1) year shall elapse between the first reading and the second reading.

(e) Any ordinance not so read shall be null and void.

(2) There is hereby established a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings.

(3) The provisions of this amendment are retroactive to the extent that any ordinance, or amendment thereto, for which more than one (1) year has elapsed since passage of first reading without passage of second and final reading, shall be declared null and void until and unless the provisions of this amendment are complied with.. (Ord. #179, Dec. 1995, as amended by Ord. #02-19, Nov. 2002)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties and powers.

1-202. To be bonded.

1-201. Duties and powers.² The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him by any ordinance duly enacted by the board of commissioners, not in conflict with the charter. (1989 Code, § 1-201)

1-202. To be bonded. The mayor shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of commissioners.

¹Charter reference

For general charter provisions dealing with the election and duties of the mayor and vice mayor, see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

Ord. #01-15, March 2001, available in the office of the recorder, sets biennial municipal elections on the third Thursday in September.

²Charter references

For detailed provisions of the charter outlining the election, power and duties of the mayor see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly, §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:

Election: § 6-20-201.

General duties: §§ 6-20-213 and 6-20-219.

May introduce ordinances: § 6-20-213.

Presiding officer: §§ 6-20-209 and 6-20-213.

Seat, voice and vote on board: § 6-20-213.

Signs journal, ordinances, etc.: § 6-20-213.

CHAPTER 3**RECORDER**¹**SECTION**

1-301. To keep minutes, etc.

1-302. To perform general administrative duties, etc.

1-303. To be bonded.

1-301. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (1989 Code, § 1-402)

1-302. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of commissioners and for the city which are not assigned by the charter, this code, or the board of commissioners to another corporate officer. He shall also have custody of, and be responsible for, maintaining all corporate bonds, records, and papers. (1989 Code, § 1-403)

1-303. 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 commissioners. (1989 Code, § 1-401)

¹Charter references

For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly § 6-22-119.

CHAPTER 4

CITY MANAGER¹

SECTION

- 1-401. Duties and powers.
 1-402. City manager to invest city funds.
 1-403. To be bonded.

1-401. Duties and powers.² The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes, and shall perform all other duties required of him pursuant to the charter. (1989 Code, § 1-301)

1-402. City manager to invest city funds. The city manager is hereby authorized to invest city funds in compliance with Tennessee Code Annotated, §§ 6-22-120 and 6-56-106. The city manager will provide the board of commissioners with an overview of proposed investments for their review and consent. (1989 Code, § 1-302)

1-403. To be bonded. The city manager shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of commissioners.

¹Charter reference

For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly § 6-21-101.

²Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

CHAPTER 5**CITY DEPARTMENTS****SECTION**

1-501. Departments of the city.

1-501. Departments of the city. That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

- (1) Department of public works and welfare.
- (2) Department of public safety.
- (3) Department of education.
- (4) Department of finance.
- (5) Department of administration.
- (6) Department of engineering.
- (7) Department of parks and recreation.
- (8) Department of natural resources and environment. (as added by Ord. #02-14, Nov. 2002)

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 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.

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. #06-96, Oct. 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. #06-96, Oct. 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 himself from voting on the measure. (as added by Ord. #06-96, Oct. 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 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. #06-96, Oct. 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. #06-96, Oct. 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. #06-96, Oct. 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. #06-96, Oct. 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. #06-96, Oct. 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. #06-96, Oct. 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 base 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 acquire 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 his 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 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. #06-96, Oct. 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. #06-96, Oct. 2006)