

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY ADMINISTRATOR.
4. CITY RECORDER.
5. ETHICS POLICY.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation.

1-101. Time and place of regular meetings. The Board of Mayor and Aldermen shall hold regular meetings at 6:00 P.M. on the 1st and 3rd Mondays

¹Charter references

Generally: art. IV

Appointment of City Administrator: art. V, § 1.

Appointment of City Recorder: art. VI, § 1.

Appointment of City Attorney: art. VII, § 1.

Approval of bonds and sureties: art. VIII, § 4.

Finance

Audits: art. IX, § 13.

Borrowing: art. IX, § 12.

Budget amendments, adoption: art. IX, § 5.

Deficits: art. IX, § 8.

Emergency appropriations: art. IX, § 7.

Supplemental appropriations: art. IX, § 6.

Penalties and interest on delinquent taxes: art. X, § 2.

Appointment of City Judge: art. XI, § 1.

City Judge pro tem: art. XI, § 2.

Term of office, etc., of City Judge: art. XI, § 3.

of each month at the Sevierville Civic Center. (Ord. #2011-006, Oct. 2011, as amended by Ord. #2013-002, April 2013)

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) Public forum.
- (5) Communications from the Mayor.
- (6) Reports from committees, Aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1996 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. (1996 Code, § 1-103)

1-104. Compensation.

(1) (a) The Aldermen elected at the City's May 2007 election and thereafter, until such time as this section is superceded, shall receive compensation in the amount of four hundred fifty dollars (\$450.00) per month plus enrollment and participation in the City's health insurance program, at the City's expense.

(b) The Aldermen and Mayor of the City of Sevierville shall be entitled to be enrolled in the City's health insurance program in the same way and manner as other City employees and will make premium payments and coverage choices in the way and manner available to all City employees, and that all of the foregoing in subsection (1)(b) of this section shall be retroactive to and take effect as of May 1, 2007.

(c) The Mayor elected at the City's May 2007 election and thereafter, until such time as this section is superceded, shall receive compensation in the amount of six hundred dollars (\$600.00) per month plus enrollment and participation in the City's health insurance program, at the City's expense.

(2) (a) The foregoing compensation amounts shall be for adoption in the City's annual budget beginning with the applicable budget year for which the aforesated rates go into effect.

(b) This chapter shall supercede upon the respective applicable periods, May 2007 and May 2009, previous compensation ordinance concerning payment of the Board of Mayor and Aldermen and Mayor. (Ord. #2006-006, March 2006, as amended by Ord. #2007-017, Aug. 2007)

CHAPTER 2**MAYOR**¹**SECTION**

1-201. Generally supervises City's affairs.

1-201. Generally supervises City's affairs. The Mayor shall preside at meetings of the Board of Mayor and Aldermen, shall act as the ceremonial head of the City and shall perform such other duties as provided by the charter. (1996 Code, § 1-201)

¹Charter references

Qualifications for office: art. IV, § 2.

Term: art. IV, § 3.

Called meetings: art. IV, § 7.

Duties: art. IV, § 10.

CHAPTER 3

CITY ADMINISTRATOR

SECTION

1-301. Office of City Administrator created.

1-302. Appointment of City Administrator.

1-303. Duties.

1-301. Office of City Administrator created. The Office of City Administrator is hereby created which office shall be administered by a full time Administrator. (1996 Code, § 1-301)

1-302. Appointment of City Administrator. The Board of Mayor and Aldermen shall appoint the City Administrator to serve either at their pleasure or under contract. (1996 Code, § 1-302)

1-303. Duties. The City Administrator shall perform the following duties subject to the directions and approval of the Board of Mayor and Aldermen:

(1) Serve as a full-time City Administrator except as otherwise provided in any employment contract between the City and the Administrator;

(2) Make recommendations to the Board for the improvement of any City service;

(3) Advise the Board of Mayor and Aldermen concerning the conditions and needs of the City requiring immediate attention;

(4) Make periodic reports to the Board of Mayor and Aldermen regarding condition of the City's equipment and whether or not repairs are required;

(5) To act as purchasing agent for the City;

(6) To supervise and coordinate all administrative functions of the City;

(7) Establish a priority schedule for projects involving public works;

(8) Maintain personnel files of City employees and make recommendations to the Board of Mayor and Aldermen for promotions, demotions and dismissal of City personnel;

(9) Prepare and submit the budget and a capital program to the Board of Mayor and Aldermen annually;

(10) Approve municipal expenditures only if funds are available for such expenditures;

(11) Advise the Board of Mayor and Aldermen periodically as to the financial condition of the City; and

(12) Perform such other duties as may be required of him by Resolution or Ordinance. (1996 Code, § 1-303)

CHAPTER 4

CITY RECORDER

SECTION

- 1-401. Appointment.
- 1-402. Compensation.
- 1-403. Duties of Recorder.
- 1-404. Removal.
- 1-405. To be bonded.

1-401. Appointment. The City Recorder shall be appointed by the Board of Mayor and Aldermen on the basis of experience and/or educational qualifications in keeping with the duties of City Recorder as described in article VI, section 2, of Sevierville City charter. The City Administrator shall assist the Board of Mayor and Aldermen in the selection process but there need not be concurrence between the City Administrator and the Board of Mayor and Aldermen as to the appointee. (1996 Code, § 1-401)

1-402. Compensation. The City Recorder shall be compensated according to the compensation schedule for department heads for the City of Sevierville. (1996 Code, § 1-402, modified)

1-403. Duties of Recorder. In addition to the duties of City Recorder as set forth in article VI, section 2, of the Sevierville City charter, and in keeping therewith, the Board of Mayor and Aldermen prescribe as a duty of the City Recorder, to be under the direction and supervision of the City Administrator. (1996 Code, § 1-403)

1-404. Removal. The appointee to the position of City Recorder, may be removed from such position by the Board of Mayor and Aldermen. (1996 Code, § 1-404)

1-405. To be bonded. The City 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 office. (1996 Code, § 1-405)

CHAPTER 5

ETHICS POLICY¹

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting 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.

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 and 2-10-124.

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.

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

1-501. 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. (Ord. #2007-004, March 2007)

1-502. Definition of "personal interest."

(1) For purposes of §§ 1-503 and 1-504, "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), step parent(s), grandparent(s), sibling(s), child(ren), or step child(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. (Ord. #2007-004, March 2007)

1-503. 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 themselves from voting on the measure. (Ord. #2007-004, March 2007)

1-504. 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 official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #2007-004, March 2007)

1-505. 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. (Ord. #2007-004, March 2007)

1-506. 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. (Ord. #2007-004, March 2007)

1-507. 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. (Ord. #2007-004, March 2007)

1-508. 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. (Ord. #2007-004, March 2007)

1-509. 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. (Ord. #2007-004, March 2007)

1-510. 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. (Ord. #2007-004, March 2007)

1-511. 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. (Ord. #2007-004, March 2007)