

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TOWN ADMINISTRATOR.
5. ACCESS TO PUBLIC RECORDS.
6. CODE OF ETHICS.

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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.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

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:

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<sup>1</sup>Charter 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 the rate set forth in the ordinance adopting the annual budget.

(2) The rate of compensation for each alderman for a special called meeting of the board of mayor and aldermen is hereby established as the rate set forth in the ordinance adopting the annual budget. (Ord. # 192-89, Feb. 1990, as amended by Ord. #360-10, Aug. 2010)

1-105. Compensation for mayor. (1) The rate of compensation for mayor is hereby established as the rate set forth in the ordinance adopting the annual budget.

(2) The rate of compensation for mayor for a special called meeting of the board of mayor and aldermen is hereby established as the rate set forth in the ordinance adopting the annual budget. (Ord. # 192-89, Feb. 1990, as amended by Ord. #360-10, Aug. 2010)

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 first Tuesday in March in even numbered years.

(2) The term of office of each elected official of the town shall be extended from the second Monday in March immediately following the election, to the second Monday in April immediately following the election.

(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 April meeting of the board of mayor and aldermen following the election. (as added by Ord. #296-03, Dec. 2003, and amended by Ord. #368-11, Aug. 2011)

## CHAPTER 2

MAYOR<sup>1</sup>

## 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)

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<sup>1</sup>Charter 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

RECORDER<sup>1</sup>

## 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)

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<sup>1</sup>Charter 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) The city administrator shall not be required to give his entire time to the affairs of the city, unless the board of mayor and aldermen, when employing the city administrator, make his employment conditional upon his devoting his entire time to the interest of the city.

(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 all administrative activities of each department of the town, excepting the police department which shall be responsible to the mayor for all administrative activities of the police chief in accordance with the town's personnel policies and procedures.

(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, Ord. #262-99, July 1999, Ord. #395-14, Sept. 2014, and Ord. #427-18, Sept. 2018)



CHAPTER 5

ACCESS TO PUBLIC RECORDS

SECTION

1-501. Procedures regarding access to an inspection of public records.

1-502. Postage and handling fees.

1-503. Labor charges.

1-504. Special records.

1-501. Procedures regarding access to an inspection of public records.

(1) Consistent with the Public Records Act of the State of Tennessee, personnel of the Town of Dover shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the Town of Dover shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the Town of Dover, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the town. If the requesting party refuses to complete a request form, a town employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the records custodian.

(4) When records are requested for inspection or copying, the records custodian has up to seven (7) business days to determine whether the town can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the records custodian shall:

(a) Produce the records requested;

(b) Deny the records in writing, giving explanation for denial;

or

(c) In the case of voluminous requests, provide, in writing, the requester with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges are as follows:

(a) Standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy--\$.15 per page for each produced.

(b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy--\$.15 per page for each produced.

(c) Accident reports--\$.15 per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the town.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester. Employee labor in excess of one (1) hour may be charged to the requester, in addition to the cost per copy, as provided in subsection (5). The town may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(a) For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(b) When the total number of requests made by a requester within a calendar month exceeds four (4), the requests will be aggregated, and the requester shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requester that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests. (as added by Ord. #273-01, March 2001, and replaced by Ord. #348-09, Feb. 2009, and Ord. #387-13, Jan. 2014)

1-502. Postage and handling fees. If the person requesting the records is unable to retrieve the records from the town hall, the requester will be responsible for paying all applicable shipping and handling fees. These fees, along with the per page cost of producing the records, must be paid in full before records can be turned over. (as added by Ord. #348-09, Feb. 2009)

1-503. Labor charges. (1) (a) "Labor" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

(b) "Labor threshold" is defined as the labor of the employee(s) reasonably necessary to produce requested material for the first hour incurred by the records custodian.

(2) The town recorder shall act as the town's records custodian and their hourly wage will be used to calculate any labor charges above the labor threshold. This wage will just be the approved hourly wage and will not include any benefit charges.

(3) Any applicable labor charges must be paid before records can be released to those requesting them. (as added by Ord. #348-09, Feb. 2009)

1-504. Special records. Some town business requires keeping records that are not electronically assessable or able to be produced on paper. Examples of this type of record include video tapes and digital recording devices. The cost of reproducing these records will be determined by the town recorder. (as added by Ord. #348-09, Feb. 2009)

CHAPTER 6

CODE OF ETHICS<sup>1</sup>

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.

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<sup>1</sup>State 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 himself<sup>1</sup> 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

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<sup>1</sup>Masculine 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)