

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.
4. CITY ATTORNEY.
5. CODE OF ETHICS.

**CHAPTER 1**

**CITY COUNCIL<sup>2</sup>**

**SECTION**

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Passage of ordinances and resolutions.
- 1-105. Salary of aldermen.

**1-101. Time and place of regular meetings.** The city council shall hold regular monthly meetings at 7:00 P.M. on the second and fourth Monday nights of each month at the Dyer City Hall at 235 South Royal Street. A regular meeting of the city council may, in the alternative, be held at such place within

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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 and plumbing inspectors: title 12.  
Public safety department: title 20, chapter 2.  
Utilities: titles 18 and 19.  
Wastewater treatment: title 18.  
Zoning: title 14.

<sup>2</sup>Charter references

Compensation: art. II, § 3.  
Powers: art. II, § 4.  
Quorum: art. II, § 4.  
Term of office: art. IV, § 1.

the City of Dyer as the mayor may designate provided at least three (3) days notice of such location change is given to each alderman by personal notification, and to the public by posting notice on the front door of the city hall, no later than 5:00 P.M. on the third day preceding the regular board meeting in question. The mayor may designate a time at which said meeting is to be convened provided notice of such time change is given as specified in the preceding sentence. Such a change in time or location shall apply only to the meeting specified in said notice. (1983 Code, § 1-101, as amended by Ord. 93-45, July 1993, and replaced by Ord. #99-101, April 1999)

**1-102. Order of business.** At each meeting of the city council, 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) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the city council, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1983 Code, § 1-102)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council 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, as amended by Ord. # 95-67, Oct. 1995)

**1-104. Passage of ordinances and resolutions.** Ordinances shall be introduced in written form and shall be passed on two (2) separate readings and there shall be no more than one (1) reading on any one (1) day. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption and signed by the mayor unless a different effective date is designated in the ordinance.

Resolutions shall be introduced in written form and shall become effective on one (1) reading. (Ord. #95-60, Feb. 1995)

**1-105. Salary of aldermen.** Effective July 1, 1987, the salary of aldermen shall be \$50.00 per month. (1983 Code, § 1-105)

**CHAPTER 2****MAYOR<sup>1</sup>****SECTION**

1-201. Generally supervises city's affairs.

1-202. Salary and expense allowance.

**1-201. Generally supervises city's affairs.** The mayor shall have general supervision of all municipal affairs. (1983 Code, § 1-201)

**1-202. Salary and expense allowance.** Effective July 1, 1987, the salary of the mayor shall be \$500.00 per month and his expense allowance shall be \$300.00 per month. (1983 Code, § 1-202, as amended by Ord. #91-38, July 1991)

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<sup>1</sup>Charter references

Compensation: art. II, § 3 and art. III, § 9.

Term of office: art. IV, § 1.

Vacancy in office: art. III, § 7.

**CHAPTER 3****RECORDER<sup>1</sup>****SECTION**

1-301. Performs general administrative duties, etc.

1-302. To work with cemetery association.

**1-301. Performs general administrative duties, etc.** The recorder shall perform all administrative duties for the city council and for the city which are not expressly assigned by the charter, this code, or the city council 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 city shall provide. (1983 Code, § 1-301)

**1-302. To work with cemetery association.** The recorder shall keep the books for the Oakwood Cemetery Association and perform such other reasonable duties as may be required of him by the association. (1983 Code, § 1-302)

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<sup>1</sup>Charter references

Bond required: art. III, § 12.

Compensation: art. III, § 13.

Duties: art. III, § 14.

**CHAPTER 4****CITY ATTORNEY****SECTION**

1-401. Board of mayor and aldermen and industrial board to have separate attorneys.

**1-401. Board of mayor and aldermen and industrial board to have separate attorneys.** The attorney for the City of Dyer Board of Mayor and Aldermen and the attorney for the City of Dyer Industrial Board shall be separate individuals selected from separate practices, without alliances. (Ord. #95-65, June 1995)

## CHAPTER 5

### CODE OF ETHICS

#### 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 nonvoting 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.
- 1-512. Notification to be sent to Tennessee Ethics Commission.

**1-501. Applicability.** This chapter is the code of ethics for personnel of the City of Dyer, Tennessee. 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. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #2007-152, May 2007)

**1-502. Definition of "personal interest."** (1) For the purpose of §§ 1-503 and 1-504, "personal interest" means:

- (a) Any financial interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests;
- (b) Any financial ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any 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" includes 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 a 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. #2007-152, May 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 would lead a responsible 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. #2007-152, May 2007)

**1-504. 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 city 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. #2007-152, May 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 valued more than one hundred dollars (\$100.00) 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 interrupted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #2007-152, May 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. (as added by Ord. #2007-152, May 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

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

to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of mayor and aldermen to be in the best interests of the City of Dyer. (as added by Ord. #2007-152, May 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 city charter, general law, or ordinance or policy of the City of Dyer. (as added by Ord. #2007-152, May 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 city charter or any ordinance or policy. (as added by Ord. #2007-152, May 2007)

**1-510. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the city. 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 made recommendations 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 that the city council retain 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 board of mayor and aldermen, the board of mayor and aldermen 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 board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the board of mayor and aldermen.

(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 chapter also constitutes a violation of the 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. #2007-152, May 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 city's charter or other applicable law and in addition is subject to censure by the board of mayor and aldermen. An appointed official who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-152, May 2007)

**1-512. Notification to be sent to Tennessee Ethics Commission.** Upon adoption by the board of mayor and aldermen, the city recorder is hereby directed to notify the Tennessee Ethics Commission in writing that the ethics policy was adopted by the City of Dyer and the date such action was taken. (as added by Ord. #2007-152, May 2007)