

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY CLERK.
4. CITY ADMINISTRATOR.
5. COMPENSATION OF COMMISSIONERS OF FAYETTEVILLE HOUSING AUTHORITY.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Standing committees.
- 1-105. Boards and committees to elect officers annually.
- 1-106. Appointments and recommendations of board members.

1-101. Time and place of regular meetings. The regular meeting of the board of mayor and aldermen shall be held on the second Tuesday of each

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.

²Charter references

Compensation: § 10a.

Oath: § 3.

Qualifications: § 4.

Term of office: § 2.

Vacancy in office: § 4.

month at 5:00 P.M. at the city municipal building in the City of Fayetteville except when the second Tuesday shall fall upon a legal holiday, in which event, the meeting shall take place on the second succeeding business day at the same hour and place.

Special meetings may be set by the board or called by the mayor or any two (2) aldermen upon reasonable notice to the other members of the board. (1995 Code, § 1-101)

1-102. Order of business. At each meeting of the board of mayor and aldermen the following order of business shall be observed unless dispensed with by vote of the board:

- (1) Call to order by mayor.
- (2) Prayer and Pledge of Allegiance.
- (3) Approval of agenda.
- (4) Any corrections to and approval of the minutes of the previous meeting or meetings.
- (5) Reports:
 - (a) Outside agencies.
 - (b) Standing committees.
- (6) Unfinished business.
- (7) New business.
- (8) Other business.
- (9) Adjournment. (1995 Code, § 1-102, modified)

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. (1995 Code, § 1-103, modified)

1-104. Standing committees. The four (4) committees of the board of mayor and aldermen shall consist of not less than two (2) aldermen each and shall be as follows:

- (1) Finance,
- (2) Fire and police,
- (3) Public works, and
- (4) IT and planning/codes; and
- (5) Parks and recreation.

The committees shall be elected by the board of mayor and aldermen. (1995, § 1-104, modified)

1-105. Boards and committees to elect officers annually. All boards and committees under the jurisdiction of and established by ordinance

of the board of mayor and aldermen are hereby required to have an annual election of officers. (1995, § 1-105)

1-106. Appointments and recommendations of board members.

No appointment to a board of the city by the mayor, requiring approval of the aldermen, and no recommendation of the mayor for a member to serve on a board of the city, requiring action of the board of mayor and aldermen, shall be considered unless the same shall have been submitted in writing to the aldermen no less than fifteen (15) days prior to the meeting at which the appointment or recommendation is to be acted upon. All vacancies on boards and the names of all board members whose terms expire shall be reported to the board of mayor and aldermen in writing at the regular meeting occurring in the month prior to the meeting at which vacancies are filled or members elected. This shall not apply to standing committees as referred to in § 1-104 hereof or to the appointment of aldermen to the various boards or commissions. (1995 Code, § 1-106)

CHAPTER 2**MAYOR**¹**SECTION**

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-203. Absence or disability.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all the affairs of the city and may require such reports from the officers and employees of the city as he may reasonably deem necessary to carry out his executive responsibilities. (1995 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1995 Code, § 1-202)

1-203. Absence or disability. At the first meeting after each election for aldermen the aldermen shall elect one (1) of their number as vice-mayor for a term of two (2) years to act as mayor during the temporary absence or disability of the mayor. The vice-mayor may continue to vote as an alderman while acting as mayor. (1995 Code, § 1-203)

¹Charter references

Compensation: § 10a.

Oath: § 3.

Qualifications: § 4.

Term of office: § 2.

CHAPTER 3

CITY CLERK

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The city clerk shall execute a bond with good and sufficient security in the sum of one hundred thousand dollars (\$100,000.00), said bond to be conditioned on his or her faithful accounting for all money that may or ought to come into his or her hands, and that may or ought to be collected by him or her by virtue of his or her office, and that he or she will well and truly do and perform all other duties pertaining to the office.

1-302. To keep minutes, etc. The city clerk 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. (1995 Code, § 1-302, modified)

1-303. To perform general administrative duties, etc. The city clerk shall perform all administrative duties for the board of mayor and aldermen and for the city which are not expressly assigned by the charter or this code 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. The assistant city clerk shall perform these duties and functions in the absence of the city clerk or at his direction. (1995 Code, § 1-303)

CHAPTER 4

CITY ADMINISTRATOR¹

SECTION

1-401. Office created, salary, tenure, qualifications, bond.

1-402. Duties.

1-401. Office created, salary, tenure, qualifications, bond.

(1) There is hereby created the office of city administrator, which office shall be held by the city clerk. The board of mayor and aldermen shall fix the salary of said administrator. The administrator shall be selected on the basis of training, experience and other administrative qualifications and shall have a college degree and training or experience in municipal administration, public administration or civil engineering. The administrator shall devote full time to the duties of his office.

(2) The city administrator shall execute a bond with good and sufficient security in the sum of one hundred thousand dollars (\$100,000.00), said bond to be conditioned that he will faithfully account for all money that may or ought to come into his hands, and that may or ought to be collected by him by virtue of his office, and that he will well and truly do and perform all other duties pertaining to the office. (1995 Code, § 1-401)

1-402. Duties. The city administrator shall act under the direction of and shall be responsible to the board of mayor and aldermen (hereinafter called board) and shall perform the following duties:

(1) To make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city.

(2) To keep the board fully advised as to the conditions and needs of the city.

(3) To report to the board the condition of all city equipment, buildings and real estate and recommend what repairs or replacements are needed.

(4) To act as purchasing agent for the city and make all purchases on behalf of the City of Fayetteville general government consistent with the Charter of the City of Fayetteville.

(5) To supervise and coordinate all administrative activities of each department of the city under the policies of the board.

(6) To consult and cooperate with the various committees of the board in the administration of the affairs of the City of Fayetteville.

¹Charter reference: § 8.

(7) To determine what programs or projects involving public works or public improvements should be undertaken by the city and priority of same.

(8) To carry out the personnel ordinances, rules and regulations adopted and approved by the board.

(9) To prepare and submit the annual budget and capital program to the board.

(10) To approve all proposed expenditures and prevent the incurring of any obligation without such approval and unless funds are available for the expenditures.

(11) To keep the board fully advised as to the financial condition and future needs of the city and make such recommendations to the board concerning the affairs of the city as he deems desirable.

(12) To meet and confer with the mayor and such department heads at such times and places as the mayor deems advisable.

(13) To perform such other duties as may be required of him by resolution of the board. (1995 Code, § 1-402, modified)

CHAPTER 5

**COMPENSATION OF COMMISSIONERS OF FAYETTEVILLE
HOUSING AUTHORITY¹****SECTION**

1-501. Compensation of commissioners of Fayetteville Housing Authority.

1-501. Compensation of commissioners of Fayetteville Housing Authority. Each commissioner of the Fayetteville Housing Authority shall be paid the sum of two hundred dollars (\$200.00) per month for their services on the authority board provided that no part of said compensation shall be paid from state or federal funds. (1995 Code, § 1-501)

¹Municipal code reference

Housing cooperation to cooperate with housing authority: § 20-205.

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 and penalty.

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* 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. (1995 Code, § 1-601)

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), 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. (1995 Code, § 1-602)

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. (1995 Code, § 1-603)

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 official or employee may, to the extent allowed by law, charter, ordinance, or

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

policy, recuse himself from the exercise of discretion in the matter. (1995 Code, § 1-604)

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. (1995 Code, § 1-605)

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. (1995 Code, § 1-606)

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 interest of the municipality. (1995 Code, § 1-607)

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. (1995 Code, § 1-608)

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. (1995 Code, § 1-609)

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. (1995 Code, § 1-610)

1-611. Violations and penalty. 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. (1995 Code, § 1-611)