

## TITLE 1

### GENERAL ADMINISTRATION<sup>1</sup>

#### CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

#### CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

#### <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.

<sup>2</sup>For provisions in the charter with respect to the board of mayor and aldermen and the following, see the sections indicated:

- (1) Appoints and discharges personnel: § 4.
- (2) Correction of tax assessments: § 11.
- (3) Elections for, term of office, etc.: §§ 13 and 22.
- (4) Fixes compensation of mayor: § 3.
- (5) General powers: §§ 1 and 5.
- (6) Maintenance of streets, etc.: Footnote to § 4.
- (7) Mayor's general powers and duties with respect to: § 3.
- (8) Miscellaneous ordinance powers: § 5.
- (9) Oaths and bonds: § 25.
- (10) Presiding officer: § 3.
- (11) Property conveyances: § 10.
- (12) Qualifications, oath, compensation and tenure: § 4.
- (13) Quorum: § 4.
- (14) Restriction on incurring debts for current expenses: § 24.
- (15) Special sessions: § 3.
- (16) Trial of aldermen for malfeasance or misfeasance: § 4.
- (17) Trial of mayor for malfeasance or misfeasance: § 3.

(continued...)

**SECTION**

1-101. Time and place of regular meetings.

1-102. Order of business.

1-103. General rules of order.

1-104. Adoption of ordinances.

1-105. Alderman pay.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first Monday of each month at the city hall. (1989 Code, § 1-101)

**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 approved or corrected by the board.
- (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. (1989 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 special rules in the charter or adopted by the board and set out in this code. (1989 Code, § 1-103)

**1-104. Adoption of ordinances.** All ordinances shall be read and adopted on two readings on different days before taking effect. Actual reading of a proposed ordinance may be waived by the board when each member has been furnished a copy thereof. (1989 Code, § 1-104)

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<sup>2</sup>(...continued)

(18) Vacancies in board: § 4.

(19) Voting power of mayor: § 3.

**1-105. Alderman pay.** Alderman shall be paid two hundred dollars (\$200.00) per month. (Ord. #2005-6-1, July 2005)

## CHAPTER 2

### MAYOR<sup>1</sup>

#### SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-203. Authority to dismiss employees.

**1-201. Generally supervises city's affairs.** The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1998 Code, § 1-201)

**1-202. Executes city's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1998 Code, § 1-202)

**1-203. Authority to dismiss employees.** The mayor may dismiss any city employee subject to the approval of the board of aldermen. (Ord. #2005-6-1, July 2005, modified)

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<sup>1</sup>For provisions in the charter with respect to the mayor and the following, see the sections indicated:

- (1) Attests ordinances and proceedings of the board: § 23.
- (2) Execution of deeds: § 10.
- (3) Financial reports: § 9.
- (4) Tenure, qualifications, compensation and general powers and duties: § 3.

## CHAPTER 3

### RECORDER<sup>1</sup>

#### SECTION

1-301. To be bonded.

1-302. To keep ordinance book.

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

**1-301. 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. (1989 Code, § 1-301)

**1-302. To keep ordinance book.** The recorder shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by the board of mayor and aldermen. (1989 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder 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. (1989 Code, § 1-303)

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<sup>1</sup>For provisions in the charter with respect to the recorder and the following, see the sections indicated:

- (1) Appointment and compensation: §§ 3, 5(21) and 7.
- (2) Bond: §§ 9 and 25.
- (3) Collection of taxes: § 8.
- (4) General provisions with respect to the recorder: § 7.
- (5) Mayor may fill vacancy in office of appointed recorder: § 3.
- (6) Mayor to serve ex-officio as recorder: § 3.

## CHAPTER 4

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.

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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.

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

- 1-410. Ethics complaints.  
 1-411. Violations.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the Town of Livingston. 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," "municipality," and "Town of Livingston" include these separate entities. (Ord. #2007-1-3, Feb. 2007)

**1-402. Definition of "personal interest."** (1) For purposes of §§ 1-403 and 1-404, "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. #2007-1-3, Feb. 2007)

**1-403. 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. (Ord. #2007-1-3, Feb. 2007)

**1-404. 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

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

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. #2007-1-3, Feb. 2007)

**1-405. 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 Town of Livingston:

(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. #2007-1-3, Feb. 2007)

**1-406. 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. #2007-1-3, Feb. 2007)

**1-407. 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 Town of Livingston. (Ord. #2007-1-3, Feb. 2007)

**1-408. 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 town of Livingston. (Ord. #2007-1-3, Feb. 2007)

**1-409. 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 Town of Livingston's charter or any ordinance or policy. (Ord. #2007-1-3, Feb. 2007)

**1-410. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the Town of Livingston. 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 Town of Livingston'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. #2007-1-3, Feb. 2007)

**1-411. 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 Town of Livingston'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. #2007-1-3, Feb. 2007)