

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. DEPARTMENT OF PLANNING AND ZONING.
5. SUPERINTENDENT OF PARKS, RECREATION, AND CEMETERIES.
6. SUPERINTENDENT OF STREETS AND SANITATION.
7. CITY ADMINISTRATOR.
8. URBAN FORESTRY AND LANDSCAPE MANAGEMENT.
9. CODE OF ETHICS.

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.

Emergency operations plan: title 20, chapter 5.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Composition; election and terms of mayor and aldermen; filling of vacancies.
- 1-102. Vice mayor.
- 1-103. Election, term, and general duties of vice mayor.
- 1-104. Time for regular meetings.
- 1-105. Special meetings.
- 1-106. Quorum; adjournment of meetings.
- 1-107. Appointment and composition of standing committees.
- 1-108. Appointment of special committees.
- 1-109. Removal of members of standing committees.
- 1-110. Duties of finance committee.
- 1-111. Powers and duties of water and sewer committee.
- 1-112. Powers and duties of safety committee.
- 1-113. Powers and duties of street and sanitation committee.
- 1-114. Powers and duties of building committee.
- 1-115. Powers and duties of parks, recreation, and cemeteries committee generally.
- 1-116. Duties of parks, recreation, and cemeteries committee with respect to recreational facilities.

¹Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

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.

See also the related private acts in the charter.

1-101. Composition; election and terms of mayor and aldermen; filling of vacancies.¹ The board of mayor and aldermen shall consist of the mayor and six (6) aldermen. In accordance with the provisions of Tennessee Code Annotated, § 6-1-403(b)(1), the terms of office of the board of mayor and aldermen of the City of McMinnville, Tennessee, are hereby changed from staggered two (2) year terms to staggered four (4) year terms. As required by the statute, the transition to staggered four (4) year terms shall be accomplished as follows:

(1) In the election held in December, 1990, the successors to the offices of the three (3) aldermen whose terms expire at that time shall be elected for a three (3) year transitional term of office, ending on the date of December election in 1993. In the election held in December, 1993, and each and every four (4) years thereafter, the successors to the office of the three (3) aldermen whose terms expires at those times shall be elected for a term of four (4) years.

(2) In the election held in December, 1991, and each and every four (4) years thereafter, the successors to the offices of the mayor and three (3) aldermen whose terms expire at those times shall be elected for a term of four (4) years. (1982 Code, § 1-101)

1-102. Vice mayor. In case the mayor becomes incapacitated and unable to perform the duties of such office, either temporarily or permanently, the vice mayor shall become the mayor, as provided in Tennessee Code Annotated, § 6-1-405. In case both the mayor and the vice mayor become incapacitated, the line of succession to the office of vice mayor shall be in the following order:

- (1) Chairman of the finance committee.
 - (2) Chairman of the water and sewer committee.
 - (3) Chairman of the safety committee.
 - (4) Chairman of the street and sanitation committee.
 - (5) Chairman of the building committee.
 - (6) Chairman of the parks, recreation, and cemeteries committee.
- (1982 Code, § 1-102)

1-103. Election, term, and general duties of vice mayor. The board of mayor and aldermen, upon its first regular meeting after each annual election, shall elect one of its members as vice mayor, who shall hold such office

¹See Ord. No. 1239 (May 1997) of record in the office of the recorder for an ordinance to change the date of municipal elections of the City of McMinnville, Tennessee, of the Mayor and Aldermen, and to provide for transitional terms of office to correspond to the new date of the municipal election.

for a period of one (1) year. The vice mayor shall preside over deliberations and meetings of the board. (1982 Code, § 1-103)

1-104. Time for regular meetings. The time for holding the regular meetings of the board of mayor and aldermen shall be at 7:00 p.m. on the first and fourth Tuesdays of each month, for the transaction of such business as may arise. (1982 Code, § 1-104, as amended by Ord. #1474, March 2004)

1-105. Special meetings. The mayor shall have power to convene the board of mayor and aldermen whenever, in his judgment, such special meeting shall be for the welfare of the city, but the board, when so convened, shall not consider any matters except such as shall be brought to the attention of the members of the board in the mayor's call for such special meeting. Notice of the special meeting shall be in writing, signed by the mayor, and shall state the purpose of the meeting being called, which notice or call shall be served upon each member by the chief of police. (1982 Code, § 1-105)

1-106. Quorum; adjournment of meetings. Four (4) members of the board of mayor and aldermen shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and shall have power to compel the attendance of absent members. The regular meetings may adjourn from day to day as occasion therefor may arise, provided that no meeting shall be extended beyond the time for the next regular meeting. (1982 Code, § 1-106)

1-107. Appointment and composition of standing committees. The mayor shall appoint the following standing committees of the board of mayor and aldermen, each committee to consist of three (3) aldermen:

- (1) Finance committee.
- (2) Water and sewer committee.
- (3) Safety committee.
- (4) Street and sanitation committee.
- (5) Building committee.
- (6) Parks, recreation, and cemeteries committee. (1982 Code, § 1-107)

1-108. Appointment of special committees. The mayor shall, from time to time, appoint such special committees of the board of mayor and aldermen as may be authorized and directed by the board, or as he deems necessary and proper. (1982 Code, § 1-108)

1-109. Removal of members of standing committees. The mayor shall have power, in his discretion, to remove at any time any member of the standing committees of the board of mayor and aldermen or to make any change in the membership of same as he may deem necessary and proper; provided,

however, in the event of the removal of any member of any standing committee, the mayor shall immediately appoint a successor to the member so removed; and provided, further that the membership of each standing committee shall always consist of three (3) aldermen. (1982 Code, § 1-109)

1-110. Duties of finance committee. It shall be the duty of the finance committee of the board of mayor and aldermen to protect the financial interests of the city, to see that no money is paid out of the municipal treasury except in accordance with the ordinances, resolutions, and other legal methods of paying the same. Such committee shall make, at least as often as once each three (3) months, a settlement with the recorder and treasurer and other collecting and disbursing officers or employees of the city and report to the mayor and aldermen the condition of the finances of the city and its assets and liabilities, and examine and report upon any account or financial matters submitted to it by the mayor and aldermen. (1982 Code, § 1-110)

1-111. Powers and duties of water and sewer committee.¹ The water and sewer committee of the board of mayor and aldermen shall have the general care and supervision of the administration of the water and sewer system, and it shall contract for and purchase all machinery, material, and supplies of every kind necessary for the repair and operation of such system, and also provide for labor necessary in running such system, but shall make no contract for expenditures in excess of the current revenue appropriated without the consent and approval of the board. It shall make no material extensions or radical changes in such system without approval of the board. It shall perform such other duties as are imposed upon it from time to time by the ordinances of the city. Such committee shall report the condition of the system in writing to the board at least every three (3) months.

The water and sewer committee shall have charge and control of the maintenance and repair of the city's swimming pools, and shall administer and supervise the enforcement of the plumbing code. (1982 Code, § 1-111)

1-112. Powers and duties of safety committee.² The police department shall be under the direct control and supervision of the safety committee of the board of mayor and aldermen, including all appropriations for such department, and no expenditures involving the police department shall be made without approval of the safety committee. All bills pertaining to the police

¹Municipal code reference

Sewers and sewage disposal: title 18.

²Municipal code reference

Fire department: title 7.

Police department: title 6.

department and presented to the board for payment shall be approved and signed by the chairman of the safety committee before being allowed by the board.

The fire department shall be under the direct control and supervision of the safety committee of the board of mayor and aldermen, which committee shall administer and supervise all finances, appropriations, appointments, and all other features pertinent to the operation of said fire department. (1982 Code, § 1-112)

1-113. Powers and duties of street and sanitation committee.¹

(1) Street department. It shall be the duty of the aldermen to have and take general supervision of all streets, alleys, lawns and sidewalks and all other property of the city, except such as is under the charge of other committees or officers, and see that such is kept in proper repair and condition, and to direct when, where, and how the work thereon shall be done and the manner in which the money for such purpose is expended. Such committee is further empowered to purchase all necessary tools and materials and employ all necessary hired labor and equipment for the purpose of keeping the streets in repair, which shall be paid for out of the funds set apart for that purpose, and to take such steps as it deems proper to preserve the tools and materials belonging to the city, and to keep a record of all expenditures made and authorized by it for repairing the streets.

(2) Sanitation division. It shall be the duty of the street and sanitation committee of the board of mayor and aldermen to have and take general supervision of all sanitary functions and facilities available to the municipality, including, but not limited to, solid waste disposal, refuse, and garbage pick-up; sanitary landfill facilities; "dumpster" operations and all related undertakings; to preserve and maintain proper and safe sanitary conditions for citizens of the municipality; to see that all equipment used for these purposes is kept in proper repair; to direct when, where, and how work on sanitary and sanitation activities is carried forth; and to direct the manner in which the money for such purposes is expended. Such committee is further empowered to purchase all necessary tools and materials and employ all necessary hired labor and equipment for the purposes of keeping sanitation facilities in proper repair, which shall be paid for out of funds set apart for that purpose, and to take steps to preserve the equipment, tools, and materials belonging to the city, and to keep a record of all expenditures made and authorized by it for carrying forth the maintenance of all such sanitation facilities and functions.

¹Municipal code reference

Refuse and trash disposal: title 17.

Streets and sidewalks, etc.: title 16.

The division of sanitation shall be separate and apart entirely from the sewer system facilities and functions.

(3) Superintendent. The street and sanitation department shall have as its head a superintendent of streets and sanitation with such powers, duties and responsibilities as necessary to effectively manage the two (2) departmental divisions in accordance with the applicable policies and procedures contained in title 17, chapter 1 and title 16, chapters 1 and 2 of this code and any other as may be directed from time to time by the street and sanitation committee. (1982 Code, § 1-113)

1-114. Powers and duties of building committee.¹ The building committee of the board of mayor and aldermen shall supervise and control the maintenance and repair of all buildings owned by the city. Such committee shall also administer and supervise the enforcement of the building, gas, and housing codes and make recommendations to the board as to changes in amendments to such codes. (1982 Code, § 1-114)

1-115. Powers and duties of parks, recreation, and cemeteries committee generally.² It shall be the duty of the parks, recreation, and cemeteries committee of the board of mayor and aldermen to have and take general care and supervision of the city parks and cemeteries and see that they are kept in proper condition and repair, and to recommend to the board such rules and regulations as it deems necessary for the care, maintenance, and protection of such property. It shall have the power to spend such funds as are set apart by the board for the purpose of maintaining and beautifying the city parks and cemeteries, and to employ all labor and purchase of all supplies for that purpose. It shall be required to keep a record of the expenditures and report same to the board with such other matters as it deems proper and necessary, at least once a month.

No payment shall be made for work, materials for improvement, or maintenance of the parks and cemeteries unless the same is approved by the chairman of the parks, recreation, and cemeteries committee. (1982 Code, § 1-115)

1-116. Duties of parks, recreation, and cemeteries committee with respect to recreational facilities. (1) All recreational facilities of the city are hereby placed under the care and supervision of the parks, recreation, and

¹Municipal code reference

Building, housing, and utility codes: title 12.

²Municipal code reference

Superintendent of parks, recreation, and cemeteries: this title, chapter 5.

cemeteries committee of the board of mayor and aldermen, which shall have complete supervisory control of such facilities; provided that such committee's jurisdiction as to city swimming pools shall be limited to the operation of such pools, the maintenance thereof being the responsibility of the water and sewer committee, as provided in § 1-111.

(2) The chairman of the parks, recreation, and cemeteries committee shall have the authority to appoint such subcommittees to act under him in the operation and management of the city's recreational facilities as he may, in his judgment, desire. The chairman of such committee shall be responsible to the board of mayor and aldermen for the operation and actions of any subcommittees appointed by him. (1982 Code, § 1-116)

CHAPTER 2**MAYOR**¹**SECTION**

1-201. Generally supervises city's affairs.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1982 Code, § 1-201)

¹Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Duties of Mayor: § 6-3-106.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

CHAPTER 3

RECORDER¹

SECTION

- 1-301. Election; term; removal.
- 1-302. Oath.
- 1-303. Bond.
- 1-304. Under supervision of finance committee.
- 1-305. General duties as city accountant.
- 1-306. Financial reports.
- 1-307. Duties with respect to board meetings, ordinances, resolutions, etc.
- 1-308. Custodian of city seal and records.
- 1-309. To serve as treasurer.
- 1-310. Duty to receive, receipt for, and preserve funds.
- 1-311. Accounts to be kept.
- 1-312. Prerequisites to resignation.

1-301. Election; term; removal. The recorder shall be elected, beginning in 1970, by the board of mayor and aldermen at the first regular meeting in June, to serve thenceforth at the will of the board. The recorder, in addition to serving at the will of the board, shall be subject to dismissal at any time for dereliction of duty, conflicts of interest, malfeasance, or any other actions giving rise to dismissal for cause. (1982 Code, § 1-301)

1-302. Oath. Before entering upon his duties, the recorder shall take and subscribe to an oath to well and truly execute the duties of his office. (1982 Code, § 1-302)

1-303. Bond. Before entering upon his duties, the recorder shall execute a bond, in such sum as is prescribed by the board of mayor and aldermen, to be approved by the board, and conditioned upon the faithful and diligent discharge of his duties as such recorder and the proper accounting for and paying out, within the time and manner prescribed by law, all monies which have come into or passed through his office or which should have come into his office or hands. (1982 Code, § 1-303)

¹Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(C).

1-304. Under supervision of finance committee. The office of city recorder is hereby placed under the supervision of the finance committee of the board of mayor and aldermen. The recorder shall be accountable to the finance committee for all matters relating to the operation and maintenance of the office. (1982 Code, § 1-304)

1-305. General duties as city accountant. The recorder shall be the general accountant for the city, and, as such, it shall be his duty to receive and preserve all accounts, books, vouchers, papers, etc., relating to the accounts, contracts, debts, revenues, and fiscal affairs of the city. It shall also be his duty to draw and register all warrants on the treasury for all appropriations and monies ordered paid by the board of mayor and aldermen. He shall keep a true and accurate account of all the revenues, receipts, and expenditures, and the several funds of the city. (1982 Code, § 1-305)

1-306. Financial reports. The recorder shall, quarterly or more often if required by the board of mayor and aldermen, make a full report of the financial affairs or condition of the city, showing in detail the receipts and revenues raised or received, and from what source same were derived, and showing in detail the disbursements, and for what purpose and on what account the same were made, and showing the condition of the treasury and each city fund at the time of the statement. (1982 Code, § 1-306)

1-307. Duties with respect to board meetings, ordinances, resolutions, etc. The recorder shall attend all meetings of the board of mayor and aldermen, keep a true and correct journal of the proceedings of the board, which shall be recorded in the minute books of the city, shall record the aye and no vote whenever same is taken or called upon the passage of any ordinance, resolution, or other matter before the board. He shall note upon the journal of the board the passage, upon the reading(s) prior to their final passage of all ordinances and resolutions by their titles, and upon the passage on final reading of any ordinance or resolution, he shall enter the same upon the journal or minutes of the board and shall, after the same shall have been signed by him, immediately transmit the original to the mayor for his approval, and upon the return of the same by the mayor with his action thereon, the recorder shall note such fact upon the journal of the board's proceedings and shall enter upon the journal all subsequent actions on the ordinances or resolutions. He shall preserve on file, as part of his records of office, such original ordinances and resolutions.

The recorder shall sign the minutes of each meeting of the board of mayor and aldermen. (1982 Code, § 1-307)

1-308. Custodian of city seal and records. The recorder shall have custody of the seal, books, papers, and records of the city. (1982 Code, § 1-308)

1-309. To serve as treasurer. The recorder shall also serve as treasurer for the city. (1982 Code, § 1-309)

1-310. Duty to receive, receipt for, and preserve funds. The recorder shall receive and receipt for all funds or monies due the city and safely keep and preserve the same until such funds or monies are duly drawn out upon warrants issued by him in conformity with law, or for monies duly appropriated by the board of mayor and aldermen. (1982 Code, § 1-310)

1-311. Accounts to be kept. The recorder shall keep a true and correct account of all monies received on account of each separate fund of the city and shall also keep a true and correct account of each such fund, and an account of each and every appropriation made by the board of mayor and aldermen. (1982 Code, § 1-311)

1-312. Prerequisites to resignation. Should the recorder wish to resign, he must first make out a list, in alphabetical order, of all unpaid taxes or other funds due to the city in his hands for collection and turn the same over to the mayor with his resignation, together with all books, papers, monies, or other things of value in his hands belonging to the city, taking the mayor's receipt therefor. (1982 Code, § 1-312)

CHAPTER 4

DEPARTMENT OF PLANNING AND ZONING

SECTION

1-401. Created.

1-402. Appointment and title.

1-403. Duties.

1-404. Salary.

1-401. Created. There is hereby created the department of planning and zoning. (1982 Code, § 1-401, as replaced by Ord. #1506, Sept. 2005)

1-402. Appointment and title. The person in charge of the department of planning and zoning shall be known as the "directors" of planning and zoning; and shall be appointed by the board of mayor and aldermen. (1982 Code, § 1-402, as replaced by Ord. #1506, Sept. 2005)

1-403. Duties. The director of planning and zoning shall serve under the direction and policies of the building committee and shall be responsible to enforce such codes as may be adopted from time to time by the board of mayor and aldermen as it pertains to, but not necessarily limited to, zoning, subdivision, planning, annexation, historical overlay zoning, future land use, building, gas, housing, mechanical, swimming pool, unsafe building abatement, signs, geographic information system, telecommunications, and FEMA flood elevation requirements. (1982 Code, § 1-403, as replaced by Ord. #1506, Sept. 2005)

1-404. Salary. The board of mayor and aldermen shall fix and determine the salary of the director, as provided for in the Classification-Compensation Study adopted by the Mayor and Board of Aldermen of the City of McMinnville, Tennessee, by Ord. #1110 and subsequently amended by Ord. #1291, and shall remain in full force and effect, unless subsequently amended further by the board, and shall not be reduced during his tenure as director. (1982 Code, § 1-404, as replaced by Ord. #1506, Sept. 2005)

CHAPTER 5

SUPERINTENDENT OF PARKS, RECREATION,
AND CEMETERIES¹

SECTION

1-501. Office created; election.

1-502. To perform duties; bond.

1-503. Duties specified.

1-501. Office created; election. The office of superintendent of parks, recreation, and cemeteries is hereby created for the City of McMinnville, Tennessee. The superintendent of parks, recreation, and cemeteries shall be elected to his or her office by a majority vote of the board of mayor and aldermen upon the recommendation of the parks, recreation, and cemeteries committee, and he or she shall hold said position at the pleasure of the board of mayor and aldermen. (1982 Code, § 1-501)

1-502. To perform duties; bond. The superintendent of parks, recreation, and cemeteries upon taking the oath of office shall faithfully perform all the duties and requirements of said office as specified in this chapter and as specified by the board of mayor and aldermen and shall execute a proper performance bond. (1982 Code, 1-502)

1-503. Duties specified.² The superintendent of parks, recreation, and cemeteries shall have the following duties:

(1) To take general charge and control of the physical facilities of all parks, recreation, and other such facilities that come under the department of parks, recreation, and cemeteries and be in charge of the general operation thereof, including but not limited to, the hiring and firing of personnel to operate said facilities, the scheduling of events of any form or nature, subject, however, to any contracts and agreements which the City of McMinnville, Tennessee, may now have outstanding relative to its parks, recreation, and cemetery facilities and subject further to the oversight and direction of the parks, recreation, and cemeteries committee of the board of mayor and aldermen.

¹Municipal code reference

Duties, etc., of the parks, recreation, and cemeteries committee: §§ 1-115 and 1-116.

²Municipal code reference

Authority to designate smoking and non-smoking areas within the Civic Center Building: title 11, chapter 6.

(2) To maintain a bookkeeping system showing the income and expenditures of the office.

(3) To file requisitions with the purchasing agent of the City of McMinnville for such purchases as he or she may deem necessary for the operation, maintenance, and general conduct of the affairs of the civic center.

(4) Make such purchases as may be authorized by any other department head as contained in title 5, chapter 5 of this code.

(5) To designate the flow of vehicular traffic in any of the parks and recreational areas of the city, to limit the use of certain areas by vehicles, motorcycles, motor scooters, and the like, and to post signs therein defining or designating these areas.¹ (1982 Code, § 1-503)

¹Municipal code reference

Operation of vehicles and speed limits: §§ 15-132 and 15-205.

CHAPTER 6

SUPERINTENDENT OF STREETS AND SANITATION

SECTION

1-601. Office created; election, term.

1-602. Oath.

1-603. Duties.

1-601. Office created; election, term. There is hereby created the office of the superintendent of streets and sanitation for the City of McMinnville to be elected by the board of mayor and aldermen to serve at the will of the board. Said superintendent of streets and sanitation, in addition to serving at the will of the board, shall also be subject to dismissal at any time for dereliction of duty, conflicts of interests, malfeasance, or any other action giving rise to dismissal for cause. (1982 Code, § 1-1201)

1-602. Oath. Before entering upon his duties, the superintendent shall take and subscribe to an oath to well and truly execute the duties of his office. (1982 Code, § 1-1202)

1-603. Duties. To take general charge and control of the physical facilities of the street and sanitation department, supervising and managing personnel, materials and equipment for the effective collection and disposal of refuse in accordance with the applicable provisions of title 17 and the maintenance of streets and other public ways of the city in accordance with the applicable provisions of title 16 of the municipal code. The superintendent shall be vested with powers to purchase supplies, materials and equipment, subject to procedures and limitations prescribed in title 5, chapter 5 of this code. (1982 Code, § 1-1203)

CHAPTER 7

CITY ADMINISTRATOR

SECTION

- 1-701. Office of administrator created.
- 1-702. Residency.
- 1-703. Vacancy in office.
- 1-704. Bond.
- 1-705. Duties of city administrator.
- 1-706. Board-city administrator relations.
- 1-707. Departmental cooperation.
- 1-708. Attendance at board and committee meetings.
- 1-709. Removal.

1-701. Office of administrator created. There is hereby created the office of city administrator for the City of McMinnville. The board of mayor and aldermen shall appoint and fix the salary of the city administrator, who shall serve at the pleasure of the board of mayor and aldermen. The city administrator shall be selected solely on the basis of his training, experience, and other administration qualifications. Minimum qualifications shall include a college degree, and training or experience in municipal management or business administration. The city administrator shall give full time to the duties of his office. No member of the board shall be eligible for appointment as city administrator until one year has elapsed after such board member shall have ceased to be a member of the board of mayor and aldermen. (1982 Code, § 1-1301, as amended by Ord. #1518, March 2006)

1-702. Residency. As a condition of his appointment, the city administrator need not live in the city, but must become a resident of the City of McMinnville within ninety (90) days of his first day of employment as city administrator. (1982 Code, § 1-1302, as amended by Ord. #1518, March 2006)

1-703. Vacancy in office. During periods of vacancy in the office, temporary absences or disability of the city administrator, the board of mayor and aldermen may appoint an acting city administrator, or may designate a qualified administrative officer of the city to assume the duties and authority of the city administrator. (1982 Code, § 1-1303, as amended by Ord. #1518, March 2006)

1-704. Bond. The city administrator and acting city administrator shall furnish a corporate surety bond to be approved by the board of mayor and aldermen in such sum as may be determined by said board, and shall be conditioned upon the faithful performance of the duties imposed upon the city

administrator and acting city administrator as herein prescribed. Any premium for such bond shall be a proper charge against the City of McMinnville. (1982 Code, § 1-1304)

1-705. Duties of administrator. The city administrator is to directly supervise all department heads and coordinate all activities of each department of the city according to the policies and directives of the board of mayor and aldermen, including the following specific duties:

(1) To make recommendations to the board for improving the quality and quantity of public services to be rendered by the 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 property and equipment of the city, and to recommend repairs and replacements as needed.

(4) To recommend to the board necessary programs and projects involving public works and public improvements, and to recommend priorities for their accomplishment.

(5) In conjunction with the finance committee, to administer the purchasing activities of the city.

(6) To recommend an annual budget for each department of the city that is under the control of the board of mayor and aldermen.

(7) To direct the enforcement of all personnel rules, regulations, and policies that are adopted by the board of mayor and aldermen, and to approve any dismissal, promotion, or demotion of any employee.

(8) To initiate disciplinary action for department heads when appropriate.

(9) To review all applications for employment filed for department head positions, to interview applicants, and hire the best/most qualified applicant. The city administrator also has commensurate authority to fire department heads.

(10) To act as liaison officer for the board in coordinating the activities of the city under separate boards and commissions.

(11) To serve as coordinator for all federal and state programs which may be available to the city.

(12) To perform such other duties as may be required of him by official action of the board of mayor and aldermen. (1982 Code, § 1-1305, as replaced by Ord. #1309, Nov. 1998, and amended by Ord. #1518, March 2006)

1-706. Board-city administrator relations. The board of mayor and aldermen and its members shall deal with the administrative services of the city only through the city administrator, except for the purposes of inquiry, and neither the board nor any member thereof shall give orders and instructions to any subordinate of the city administrator. The city administrator shall take

executive direction from the mayor as representative of the board and shall receive a written performance evaluation from the mayor no later than the end of each calendar year. (1982 Code, § 1-1306, as replaced by Ord. #1309, Nov. 1998)

1-707. Departmental cooperation. In the interest of efficient, economic, and harmonious administration of the affairs of the city, it is essential that all employees, subordinate officers, appointed members, and elected members of the city board strictly adhere to the chain of command and the chain of coordination established to administer the affairs of the city. (1982 Code, § 1-1307, as replaced by Ord. #1309, Nov. 1998, and amended by Ord. #1518, March 2006)

1-708. Attendance at board and committee meetings. The city administrator shall attend all meetings of the board of mayor and aldermen, and may attend meetings of any other commissions, boards, and committees created by the board upon his own volition or upon direction of the board. In attending meetings of commissions, boards and committees, the city administrator may be heard as to all matters upon which he wishes to speak, and he shall cooperate to the fullest extent with all commissions, boards, and committees appointed by the board. (1982 Code, § 1-1308, as replaced by Ord. #1309, Nov. 1998, and amended by Ord. #1518, March 2006)

1-709. Removal. The city administrator shall serve at the will and pleasure of the board of mayor and aldermen, and may be removed from office by a vote of no less than four (4) members of the board of mayor and aldermen. Unless the city administrator is removed for willful misconduct in the performance of his duties, the board may consider and approve granting severance pay to the city administrator. (1982 Code, § 1-1309, as replaced by Ord. #1309, Nov. 1998, and amended by Ord. #1518, March 2006)

CHAPTER 8

URBAN FORESTRY AND LANDSCAPE MANAGEMENT

SECTION

1-801. Office of urban forestry and landscape management created.

1-802. Duties of urban forester and landscape management.

1-803. Oath.

1-801. Office of urban forestry and landscape management created. There is hereby created for the City of McMinnville, Tennessee, the office of Urban Forestry and Landscape Management. The board of mayor and alderman shall appoint and fix the salary of the urban forester, who shall serve at the pleasure of the board of mayor and aldermen. He shall be subject to dismissal at any time for dereliction of duty, conflicts of interest, malfeasance, or any other action giving rise to dismissal for cause. The urban forester shall be selected based on his training, experience and other administrative qualifications. The urban forester shall give full time to the duties of his office and shall be subject further to the oversight and direction of the building and grounds committee of the board of mayor and aldermen. (as added by Ord. #1371, Jan. 2001)

1-802. Duties of urban forester and landscape management. The urban forester shall be responsible for the care of management of all city owned trees. He shall establish tree and landscape guidelines for all trees, shrubs and other plantings on city property. He shall cooperate with other departments of the city in the maintenance of right-of-ways and other city owned property. He shall make recommendations on policies and procedures to improve the appearance of the city. He shall have and perform such other duties as the mayor, city administrator or the board of mayor and aldermen shall direct by written memorandum or ordinance. (as added by Ord. #1371, Jan. 2001)

1-803. Oath. Before entering upon his duties, the urban forester shall take and subscribe to an oath to execute the duties of his office. (as added by Ord. #1371, Jan. 2001)

CHAPTER 9

CODE OF ETHICS

SECTION

- 1-901. Applicability.
- 1-902. Definition of "personal interest."
- 1-903. Disclosure of personal interest by official with vote.
- 1-904. Disclosure of personal interest in nonvoting matters.
- 1-905. Acceptance of gratuities, etc.
- 1-906. Use of information.
- 1-907. Use of municipal time, facilities, etc.
- 1-908. Use of position or authority.
- 1-909. Outside employment.
- 1-910. Ethics complaints.
- 1-911. Violations.
- 1-912. Penalty.

1-901. Applicability. This chapter constitutes the code of ethics for officials and employees of the City of McMinnville. 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 city. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #1386, June 2001, deleted by Ord. #1512, Feb. 2006, and replaced by Ord. #1539, June 2007)

1-902. Definition of "personal interest." (1) For purposes of §§ 1-903 and 1-904, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a city board not otherwise regulated by state statutes on conflicts of interest; 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), 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 state law take precedence over the

provisions of this chapter. (as added by Ord. #1386, June 2001, deleted by Ord. #1512, Feb. 2006, and replaced by Ord. #1539, June 2007)

1-903. 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 from voting on the measure. (as added by Ord. #1386, June 2001, deleted by Ord. #1512, Feb. 2006, and replaced by Ord. #1539, June 2007)

1-904. 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 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. #1539, June 2007)

1-905. 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 city:

(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 city business. (as added by Ord. #1539, June 2007)

1-906. 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 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 city. (as added by Ord. #1539, June 2007)

1-907. 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 of 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 city. (as added by Ord. #1539, June 2007)

1-908. Use of position or authority. (1) An official or employee may not use or attempt to make private purchases, for cash or otherwise, in the name of the city.

(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 city. (as added by Ord. #1539, June 2007)

1-909. 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 city position or conflicts with any provision of the city's charter or any ordinance of the city. (as added by Ord. #1539, June 2007)

1-910. 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 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 that the city board hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city board, the city board 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 city board.

(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 a violation of this code of ethics. (as added by Ord. #1539, June 2007)

1-911. 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 city board. An appointed official or any employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #1539, June 2007)

1-912. Penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who has violated any provision of this chapter is subject to punishment as provided by the city's charter or other applicable law, and may be assessed a penalty of fifty dollars (\$50.00) in addition to being subjected to public censure by the city board. Any employee who violates any provision of this chapter is subject to disciplinary action as found in the city personnel policy. (as added by Ord. #1539, June 2007)