

**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>**

**SECTION**

- 1-101. Time and place of regular meetings.
- 1-102. General rules of order.
- 1-103. Special meetings.
- 1-104. Adoption of ordinances and resolutions.
- 1-105. Quorum.
- 1-106. Mayor to preside, etc.
- 1-107. Committees.

**1-101. Time and place of regular meetings.** The board of mayor and alderpersons shall hold regular monthly meetings at 6:30 P.M. on the second Tuesday of each month at the city hall. (1973 Code, § 1-101, as amended by Ord. #1997-01, April 1997 and Ord. #1998-02, Jan. 1998)

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<sup>1</sup>Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Compensation: art. III, § 8.

Qualifications: art. III, § 3.

Term of office: art. III, § 1.

Vacancy in office: art. III, § 5.

**1-102. 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. (1973 Code, § 1-103, modified)

**1-103. Special meetings.** The mayor shall have power to call special meetings of the board at any time, and it shall be his duty to do so upon the written request of two or more members of the board.

When a special meeting of the board is called by the mayor it shall be his duty to see that reasonable notice thereof is given to all members of the board. (1973 Code, § 1-104)

**1-104. Adoption of ordinances and resolutions.** No ordinance or resolution shall be acted upon unless the same be reduced to writing.

No ordinance shall become a law at the meeting at which it originates unless it is passed by a unanimous vote upon two readings.

All ordinances shall be read twice before they become laws. (1973 Code, § 1-105)

**1-105. Quorum.** Five members of the board of mayor and aldermen shall constitute a quorum. (1973 Code, § 1-106)

**1-106. Mayor to preside, etc.** The mayor shall preside at all meetings of the board of mayor and aldermen, making known the wants and necessities of the city, and recommending such actions and measures as the welfare of the city shall demand. (1973 Code, § 1-107)

**1-107. Committees.** The mayor shall appoint such committees from the aldermen as he deems necessary to assist him in administering the affairs of the city. Such committees shall serve for such terms and have such duties as the mayor shall prescribe. (1973 Code, § 1-108)

## CHAPTER 2

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

#### SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-203. Performs duties required.

1-204. Compensation.

**1-201. Generally supervises city's affairs.** The mayor shall have general supervision of all city personnel and affairs and may require such reports as he may reasonably deem necessary to carry out his executive responsibilities. He shall see that all the laws and ordinances of the city are enforced. (1973 Code, § 1-201)

**1-202. Executes city's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1973 Code, § 1-202)

**1-203. Performs duties required by the board.** The mayor shall perform such duties as may be required by the board of mayor and aldermen. (1973 Code, § 1-203)

**1-204. Compensation.** 1. In compliance with § 8(2) of the city charter the mayor's salary is increased from the base of \$36,000, plus cost of living raises, if awarded to employees, to \$50,000, plus cost of living raises, if awarded. In addition to the salary, the mayor will be provided the option of a car allowance of forty-eight hundred dollars per year (\$4,800) or the use of a city owned car, at a maximum cost of \$20,000.

2. This section shall become ratified upon the second reading and after publication as required by Tennessee Code Annotated, § 6-2-101, the public welfare so requiring it. The salary change shall be effective January 1, 2000 for the newly elected mayor. (As added by Ord. #1999-10, Oct. 1999)

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<sup>1</sup>Charter references

Compensation: art. III, § 8.

Qualifications: art. III, § 3.

Term of office: art. III, § 1.

Vacancy in office: art. III, § 5.

## CHAPTER 3

### RECORDER

#### SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To perform general clerical duties, etc.
- 1-304. Certification of recorder.

**1-301. To be bonded.** The recorder shall be bonded in such sum as may be fixed by the board of mayor and aldermen and with such surety as may be acceptable to the board. (1973 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1973 Code, § 1-302)

**1-303. To perform general clerical duties, etc.** The recorder shall perform all clerical duties for the board of mayor and aldermen and for the city which are not otherwise assigned by the charter, this code, the board, or the mayor. She 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. (1973 Code, § 1-303)

**1-304. Certification of recorder.** The City of Milan adopts by reference the requirements of Public Acts 1994, chapter 648, which is attached to this ordinance and made a part thereof as if it were fully set out in the text of this ordinance.<sup>1</sup> (Ord. #1994-08, Nov. 1994)

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<sup>1</sup>See Ord. #1994-08, Nov. 1994, of record in the recorder's office for Milan's adoption of Public Acts 1994, chapter 648 requiring certification for the city recorder.

## CHAPTER 4

### CODE OF ETHICS

#### SECTION

- 1-401. Applicability.
- 1-402. Definitions.
- 1-403. Gift ban.
- 1-404. Gift ban exceptions.
- 1-405. Disposition of gifts.
- 1-406. Disclosure of personal interests by official with votes.
- 1-407. Disclosure of personal interests in nonvoting matters.
- 1-408. City recorder to maintain disclosure files.
- 1-409. Ethics complaints.
- 1-410. Violations.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. # 07-05, June 2007)

**1-402. Definitions.** For the purpose of interpreting this chapter, the following words, terms, and phrase shall have the meanings ascribed to them in this section:

- (1) "City" means the municipality of Milan, Tennessee.
- (2) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (3) "Immediate family" means parents, spouse and children.
- (4) "Personal interest" means:
  - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5.00%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the city, or is regulated by any agency of the city; or
  - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the city has or is negotiating an acquisition, leasehold, or easement agreement; or
  - (c) Any such financial or ownership interest as defined in §§ 1-402(4)(a) and 1-402(4)(b) of this chapter by the officer or employee's spouse or immediate family member. (as added by Ord. # 07-05, June 2007)

**1-403. Gift ban.** Except as permitted in § 1-404 of this chapter, no official or employee, nor any immediate family member of such official or employee for whom this chapter is applicable, shall intentionally or knowingly solicit or accept any gift as defined herein. (as added by Ord. # 07-05, June 2007)

**1-404. Gift ban exceptions.** § 1-403 of this chapter is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fund raising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars(\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

- (a) Consumed on the premises from which they were purchased or prepared; or
- (b) Catered.

For the purpose of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (as added by Ord. # 07-05, June 2007)

**1-405. Disposition of gifts.** An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue code of 1986, as now or hereafter amended, renumbered, or succeeded. (as added by Ord. # 07-05, June 2007)

**1-406. Disclosure of personal interests 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (as added by Ord. # 07-05, June 2007)

**1-407. Disclosure of personal interests 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 the exercise of 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 bylaw, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. # 07-05, June 2007)

**1-408. City recorder to maintain disclosure file.** The city recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of seven (7) years after which the statements shall be destroyed. (as added by Ord. # 07-05, June 2007)

**1-409. 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 the chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable laws.

(2) Except as otherwise provided in this chapter, 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 to end any activity that in the attorney's judgment, constitutes a violation of this chapter. The city attorney may request that the city mayor and board of alderpersons 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.

(3) When a complaint of a violation of any provision of this chapter is lodged against the mayor or an alderperson, the mayor and alderpersons 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 mayor and alderpersons determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the mayor and board of alderpersons. (as added by Ord. # 07-05, June 2007)

**1-410. 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 charter or other applicable law and, in addition, is subject to censure by the mayor and board of alderpersons. The city attorney, or municipal employee who violates any provision of this chapter is subject to disciplinary action up to, and including, termination of employment. (as added by Ord. # 07-05, June 2007)