

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. TOWN COUNCIL.
2. CODE OF ETHICS.
3. BOND FOR OFFICERS AND EMPLOYEES.

CHAPTER 1

TOWN COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Notification of vacancy.
- 1-105. [Deleted.]

1-101. Time and place of regular meetings. The town council shall hold regular monthly meetings at 6:30 P.M. on the second Monday of each month at the town hall. (1985 Code, § 1-101, modified, as replaced by Ord. #2008-10, Aug. 2008)

- 1-102. Order of business. (1) The regular order of business for town council meetings shall include:
- (a) Call to order by the mayor.
 - (b) Pledge.
 - (c) Roll call.
 - (d) Approval of minutes.
 - (e) Citizen's opportunity to address council.
 - (f) Resolutions.
 - (g) Ordinances.

¹See Title 2, Board and Commissions, for citizens advisory committee and other city boards.

²See Article IV, Town Council, for specific duties and restrictions on mayor and town council; See also Article V, Town Manager, for appointment, powers and duties, etc., of town manager, and Article VIII, Administration, for personnel rules, department, offices, and agencies generally, direction and supervision, etc.

- (h) Communications and reports from the mayor/council.
- (i) Reports from committees and boards.
- (j) Adjourn.
- (2) Other agenda items (e.g., invocation/moment of silence, presentations, proclamations, public hearings, manager's report, discussion) may be included on an ongoing or special basis, at the discretion of the council or town manager. (1985 Code, § 1-102, modified, as replaced by Ord. #2020-07, June 2020 ***Ch20_06-28-21***)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the town council at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1985 Code, § 1-103)

1-104. Notification of vacancy. In the event that three council members fail to attend three consecutive regular meetings of the council without being excused by the council, then the other one, or two, council members who do attend the three meetings, but cannot act because of a "lack of a quorum" shall, after the expiration of thirty (30) days from the third consecutive missed meeting date, notify the Hamilton County Election Commission of the office vacancy and request them to hold a special election to fill the vacancy for the unexpired terms as set out in the Charter of the Town of Signal Mountain, Private Chapter No. 126, House Bill No. 1642, Private Acts of 1990. (as added by Ord. #98-16, June 1998)

1-105. [~~Deleted.~~] (as added by Ord. #2007-14, Nov. 2007, and deleted by Ord. #2010-19, Oct. 2010)

CHAPTER 2

CODE OF ETHICS

SECTION

- 1-201. Applicability.
- 1-202. Definition of "personal interest."
- 1-203. Disclosure of personal interest by official with vote.
- 1-204. Disclosure of personal interest in nonvoting matters.
- 1-205. Acceptance of gratuities, etc.
- 1-206. Use of information.
- 1-207. Use of municipal time, facilities, etc.
- 1-208. Use of position or authority.
- 1-209. Outside employment.
- 1-210. Ethics complaints.
- 1-211. Violations.

1-201. Applicability. This chapter is the code of ethics for personnel of the Town of Signal Mountain. It applies to all full-time and part-time 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. #98-12, May 1998, as replaced by Ord. #2007-4, Jan. 2007)

1-202. Definition of "personal interest." (1) For purposes of §§ 1-203 and 1-204, "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), stepparent(s), grandparent(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 the state law take precedence over the provisions of this chapter. (as added by Ord. #2007-4, Jan. 2007)

1-203. 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/herself from voting on the measure. (as added by Ord. #2007-4, Jan. 2007)

1-204. 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 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 or discretion in the matter. (as added by Ord. #2007-4, Jan. 2007)

1-205. 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 any 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.

Any annual gift provided to town employees by the S.M. Robertson Police and Fire Christmas Fund or the Town Employee's Christmas Fund shall not constitute money, gift, gratuity, or other consideration or favor prohibited by this section. (as added by Ord. #2007-4, Jan. 2007)

1-206. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #2007-4, Jan. 2007)

1-207. 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 municipality. (as added by Ord. #2007-4, Jan. 2007)

1-208. 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. (as added by Ord. #2007-4, Jan. 2007)

1-209. 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. (as added by Ord. #2007-4, Jan. 2007)

1-210. Ethics complaints. (1) The town 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 town 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 town 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 town attorney may request that the governing body 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 town 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. (as added by Ord. #2007-4, Jan. 2007)

1-211. 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 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. (as added by Ord. #2007-4, Jan. 2007)

CHAPTER 3

BOND FOR OFFICERS AND EMPLOYEES

SECTION

1-301. Bond for council members, town manager and town recorder.

1-302. Bond--employees.

1-303. Bond costs.

1-301. Bond for council members, town manager and town recorder. That the council members of the Town of Signal Mountain, Tennessee, the town manager, and the town recorder shall execute and give the Town of Signal Mountain, Tennessee, a surety bond, with some surety company authorized to do business in the State of Tennessee, in the amount of two hundred fifty thousand dollars (\$250,000.00), as surety, for their duties embracing the receipt, disbursement, custody or handling of money for the town. (as added by Ord. #2000-6, June 2000)

1-302. Bond--employees. That the employees of the Town of Signal Mountain, Tennessee shall execute and give the Town of Signal Mountain, Tennessee, a surety bond, with some surety company authorized to do business in the State of Tennessee, in the amount of one hundred thousand dollars (\$100,000.00), as surety, for their duties embracing the receipt, disbursement, custody or handling of money for the town. (as added by Ord. #2000-6, June 2000)

1-303. Bond costs. That the cost of all bonds shall be and expense of the town. (as added by Ord. #2000-6, June 2000)