TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER
1. BOARD OF COMMISSIONERS.
2. CODE OF ETHICS.

¹Charter reference
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.
Water and sewers: title 18.
CHAPTER 1

BOARD OF COMMISSIONERS¹

SECTION
1-101. Election date.
1-102. Terms.
1-103. Time and place of regular meetings.
1-104. General rules of order.
1-105. Ordinance procedure.

1-101. Election date. In accord with the power and authority set forth in Tennessee Code Annotated, § 6-20-102(c)(1), the city will hold all regular elections for commissioners on the regular November election day set forth in Tennessee Code Annotated, § 2-1-104(a)(26), the first Tuesday following the first Monday in November in every even numbered year, provided however, that during the transition period required by Tennessee Code Annotated, § 6-20-102(c)(1) an election for the position of commissioner whose term expires in February, 1991 shall be held on February 5, 1991, and said commissioner's term shall expire fourteen (14) days after the regular November election day in November of 1994. The election for the succeeding commissioner, whose term will commence on the date of said expiration, shall be held on the regular November election day in November, 1994. (Ord. #90-126, Nov. 1990)

¹Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Creation and combination of departments: § 6-21-302.
Subordinate officers and employees: § 6-21-102.
Taxation
- Power to levy taxes: § 6-22-108.
- Change tax due dates: § 6-22-113.
- Power to sue to collect taxes: § 6-22-115.
Removal of mayor and commissioners: § 6-20-220.
1-102. **Terms.** All terms of office for members of the board of commissioners shall be four (4) years. (Ord. #90-126, Nov. 1990, modified)

1-103. **Time and place of regular meetings.** The Board of Commissioners of the City of Forest Hills shall meet on the third Thursday of each month at 5:00 P.M., at city hall located at 6300 Hillsboro Pike, for the purpose of transacting such business as may properly come before the board; provided, however, nothing shall prohibit the board of commissioners from calling such other work sessions, additional meetings, and special meetings as necessary and in compliance with state law. (Ord. #2006-166, June 2006, as amended by Ord. #2012-200, April 2012)

1-104. **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 commissioners 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.

1-105. **Ordinance procedure.** Only the caption of an ordinance, instead of the entire ordinance, shall be read on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

The ordinance adoption procedure is prescribed in § 6-20-215 of the charter. However, the same section gives a municipality, by ordinance, the option to establish the ordinance adoption procedure provided in this section.
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 non-voting 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.

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 (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.


Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.


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.
1-201. **Applicability.** This chapter is the code of ethics for personnel of the City of Forest Hills. 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.

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), 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.

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 from voting on the measure.

1-204. **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

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

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 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.

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.

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.

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.

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.

1-210. 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.

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.