

## TITLE 1

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

#### CHAPTER

1. CITY COUNCIL.
2. CODE OF ETHICS.

#### CHAPTER 1

### CITY COUNCIL<sup>2</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Special meetings.
- 1-103. Order of business.
- 1-104. General rules of order.

**1-101. Time and place of regular meetings.** The city council shall hold one (1) or more regular monthly meetings, either on the first Monday of every month or if the first Monday of the month falls within two (2) days of a holiday then the meeting shall be held on the second Monday of the month or any other day of the week designated by the city council. The city council meeting shall begin five (5) minutes after the close of the Dayton School Board meeting or if the Dayton School Board does not meet at a time designated by the city manager. (1988 Code, § 1-101, as amended by Ord. #407, Aug. 2000)

**1-102. Special meetings.** Whenever, in the opinion of the mayor or city manager, or any two council members, the welfare of the city demands it, the

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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

Elections: §§ 1-4, 1-5, 2-6.

Oath of office: §§ 1-10, 2-19, 2-23, 3-2.

mayor or the recorder shall call special meetings of the city council with at least twenty-four (24) hours written notice served personally on each council member, the city manager, and the recorder, or left at their usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at the meeting and no other business shall be considered at the meeting.

An emergency meeting of the city council may be called at any time by all the council members signing a written waiver of notice. (1988 Code, § 1-102)

**1-103. 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 approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from the city manager, council members, committees and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1988 Code, § 1-103)

**1-104. General rules of order.** The rules of order and parliamentary procedure contained in Roberts Rules of Order, newly revised, with newly revised meaning the latest edition of the publication of Roberts Rules of Order, shall govern the transaction of business by and before the city 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 the Municipal Code of the City of Dayton, Tennessee. (1988 Code, § 1-104, as replaced by Ord. #695, July 2023 *Ch8\_12-04-23*)

## 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 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. #475, Oct. 2006)

**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. #475, Oct. 2006)

**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. (as added by Ord. #475, Oct. 2006)

**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 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. #475, Oct. 2006)

**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 rehiring 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. (as added by Ord. #475, Oct. 2006)

**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. #475, Oct. 2006)

**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. #475, Oct. 2006)

**1-208. Use of position of 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. #475, Oct. 2006)

**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. #475, Oct. 2006)

**1-210. Ethics complaints.** (1) An ethics committee is hereby created pursuant to the requirements set forth herein. Each committee member shall be at least twenty-one (21) years of age, a resident and citizen of the City of Dayton for a period of at least six (6) months preceding the appointment, and of good moral character. Said ethics committee members shall serve a one (1) year term, with the first term to begin on March 15, 2007. The ethics committee members may serve up to two successive terms before being replaced and, after the expiration of one year without serving, may be reappointed to the ethics committee. The ethics committee members shall be appointed by the Mayor for the City of Dayton, Tennessee.

Upon the written request of an official or employee potentially affected by a provision of this chapter, the ethics committee may render an oral or written advisory ethics based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the ethics committee shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in ethics committee's judgment, constitutes a violation of this code of ethics. All decisions made by the ethics committee herein shall be voted on by all three (3) members (full committee) and shall be passed by at least two affirmative votes of the three (3) members.

(b) The ethics committee may request that the governing body appoint the city attorney or hire another attorney, individual, or entity to act in place of an ethics committee member or the ethics committee when the ethics committee or one of its members 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 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 merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the ethics committee 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 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. #475, Oct. 2006, and replaced by Ord. #478, 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. #475, Oct. 2006)