

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER AND TREASURER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Resolution of a tie in election of mayor.
- 1-102. Committees provided.
- 1-103. Time and place of regular meetings.
- 1-104. Order of business.
- 1-105. General rules of order.
- 1-106. Compensation.

1-101. Resolution of a tie in election of mayor. When two (2) or more persons shall have an equal number of votes for the office of mayor the

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.

²Charter references

Composition: § 2.02.

Election: § 2.01.

Meetings: § 2.02.

Quorum: § 2.02.

Recall elections: § 2.06.

Salaries: § 2.02.

Vacancy in office: § 2.05.

election may be decided by a majority of the votes of the aldermen elect. (1968 Code, § 1-101)

1-102. Committees provided.¹ (1) At the first meeting following the election of the mayor and board of aldermen and in January of each year, the mayor shall appoint the following standing committees to serve for a period of one (1) year.

Finance committee;
 Street committee;
 Welfare and sanitation committee;
 Police and fire committee;
 Civic development committee;
 Utilities committee.

(2) Each of the committees shall consist of three (3) members, a chairman and two (2) other members of the city council, all of whom shall be appointed.

(3) A member of the council shall be chairman of only one (1) committee and shall serve as a member of two (2) additional committees. A member shall not serve on a committee if a member of his family is employed in that department.

(4) If the mayor fails to make the appointments in January of each year then at the next regular meeting, the vice-mayor shall make the appointments. If the mayor and vice-mayor fail to make the appointments as required, the committees shall be nominated and elected by the board. (Ord. #17-204, Nov. 2004, as amended by Ord. #82-2011, March 2011)

1-103. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:30 P.M. on the 3rd Thursday of each month at the municipal building.

(1) Regular and special called meetings of the board of mayor and aldermen may be held by electronic means during any state of emergency, pandemic, epidemic or when conditions arise that affect, or could reasonably be expected to affect the life, safety, or welfare of citizens, employees, or elected officials.

(2) A meeting by electronic means shall mean two (2) way electronic audio-video communications or two (2) way audio communications.

(3) The following conditions must be met to hold meetings by electronic means:

(a) Adequate public notice shall be provided by the most expedient means; and

¹Municipal code reference

Finance committee: § 5-102.

(b) The mayor shall provide not less than seventy-two (72) hours notice to members of the board of mayor and aldermen that such meeting shall be held by electronic means; and

(c) Meetings held by electronic means shall be and shall remain open to the public; and

(d) Meetings held by electronic means shall not be used to avoid the requirements of the open meetings laws.

(4) Special called meetings may be held by electronic means by giving notice as required under existing ordinances.

(5) When regular and special called meetings of the board of mayor and aldermen are held in person, aldermen that cannot be present in person may attend such regular or special called meeting by electronic means and participate in conducting the business of the City of Jellico fully, as if that member was present in person; and such alderman attending any such meeting by electronic means shall be counted for the purposes of a quorum; when:

(a) Any such alderman is out of town; or,

(b) Any such aldermen is unable to attend in person for medical reasons. (1968 Code, § 1-103, as amended by Ord. #5, Sept. 1981, and Ord. #2019-03, March 2019, modified)

1-104. 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 committees, members of the board of mayor and aldermen and other officers.

(7) Old business.

(8) New business.

(9) Adjournment. (1968 Code, § 1-104)

1-105. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 11th edition, 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 the provisions of this code hereinafter set out.

(1) The mayor shall at all times have power to convene the board.

(2) A majority of the board shall at all times constitute a quorum for the transaction of business.

(3) It shall be the duty of the mayor to notify all members of any called meeting.

(4) The mayor, or other person presiding, shall decide all points of order, subject to an appeal to the board.

(5) It shall be the duty of the mayor at all times, upon the written request of two (2) or more members of the board, to convene the same.

(6) None other than a member shall address the chairman, unless with a consent of a majority of the board.

(7) Each member in addressing the chair shall rise to his feet.

(8) During the pending of any question before the board, the following motions may be made:

(a) To adjourn.

(b) To lay on the table any motion, resolution or ordinance.

(c) To postpone indefinitely.

(d) To call for the previous question.

(e) To refer to a committee.

The motion to adjourn, to lay on the table, and the previous question shall not be debatable.

(9) Every ordinance, except an emergency ordinance, must be approved on two (2) readings not less than one (1) week apart. To meet an emergency affecting life, health or property, an emergency ordinance may be adopted on two (2) readings on separate days.

(10) No member of the board shall be allowed to speak more than twice upon the same subject, except upon consent given by a majority of the board.

(11) No ordinance or resolution shall be acted upon by board unless it be reduced to writing.

(12) All ordinances, resolutions or motions must be read and seconded before they are debatable.

(13) All ordinances passed on first reading shall be referred to the standing committee having jurisdiction of the subject matter of the ordinance, and such committee shall report on the same at the next meeting for adoption, modification or rejection, as the case may be. If such ordinances be general in their nature, they shall be referred to a special committee of three to be appointed by the presiding officer, which committee shall report in like manner to next meeting of board.

(14) No one of the foregoing rules shall be suspended except by the unanimous consent of the board and mayor. (1968 Code, § 1-105, as amended by Ord. #15, Dec. 1978, modified)

1-106. Compensation. The salaries of the mayor and aldermen may be changed from time to time by ordinance; provided, however, that if the amount of such compensation is altered, whether by raise or diminution, the altered salary shall not become effective until after the next election of city officials. (Ord. #9-2003, Feb. 2004)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Shall convene board of mayor and aldermen, ascertain election results, and install elected officers.
- 1-202. Generally supervises municipality's affairs.
- 1-203. Shall report neglect of duty of officers.
- 1-204. Duty when city involved in law suit.
- 1-205. Executes municipality's contracts.

1-201. Shall convene board of mayor and aldermen, ascertain election results, and install elected officers. The mayor shall, on the third Saturday in April, after the biennial election, convene the board of mayor and aldermen at the municipal building for the purpose of ascertaining from the election returns who has been elected mayor and who aldermen, and the persons chosen shall be qualified and installed in office at 6:30 P.M. (1968 Code, § 1-201, modified)

1-202. Generally supervises municipality's affairs. The mayor shall have general supervision and control over all city officers, and may, whenever he shall see fit, examine into the condition of their respective offices, the books, papers and records therein, the manner of conducting their official business, and may call upon any officer, clerk, or deputy for information concerning said business. (1968 Code, § 1-202)

1-203. Shall report neglect of duty of officers. The mayor shall report to the board of mayor and aldermen all violations or neglect of duty on the part of any city officer which may come to his knowledge. (1968 Code, § 1-203)

1-204. Duty when city involved in law suit. Whenever any process or notice shall be served on the mayor in any legal proceedings against the city, he shall instantly deliver the same, or a sufficient notice thereof, to the city

¹Charter references

Administrative duties: § 3.02.

Bond required: § 3.09.

Compensation: § 2.02(b).

Duties: § 2.03.

Oath of office: § 3.08.

Veto power: § 2.03.

attorney; or if no such attorney, to some other attorney selected by the mayor in order that the same may have suitable and proper attention. (1968 Code, § 1-205)

1-205. Executes municipality's contracts. The mayor shall execute all contracts authorized by the governing body. (1968 Code, § 1-206)

CHAPTER 3

RECORDER¹ AND TREASURER

SECTION

- 1-301. Offices combined.
- 1-302. Shall be bonded.
- 1-303. Shall keep minutes.
- 1-304. Shall collect privilege taxes, issue licenses, and keep records.
- 1-305. Shall receive and disburse city funds.
- 1-306. Shall perform general administrative duties.

1-301. Offices combined. The offices of recorder and treasurer shall be combined, and duties of both shall be performed by one (1) individual. (1968 Code, § 1-301)

1-302. Shall be bonded. Before assuming the duties of his office, the recorder-treasurer shall be bonded, in an amount prescribed by the board, by two (2) or more sureties, who are to be approved by the mayor or by a state approved corporate surety. (1968 Code, § 1-302)

1-303. Shall keep minutes. The recorder-treasurer 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. (1968 Code, § 1-303)

1-304. Shall collect privilege taxes, issue licenses, and keep records.² The recorder-treasurer shall collect all privilege taxes and issue all licenses pursuant thereto; he shall keep an accurate record of the privilege taxes collected and the licenses issued, specifying the purpose of the license, the person receiving, date issued, and expiration date. (1968 Code, § 1-304)

1-305. Shall receive and disburse city funds. It shall be the duty of the recorder-treasurer to receive all funds for the use and benefit of the city and

¹Charter references

Appointment: § 3.03.

Bond required: § 3.09.

Oath of office: § 3.08.

Powers and duties: § 3.03.

²Municipal code reference

Issuance of beer permits: title 8, chapter 2.

to disburse the same in accordance with the charter and ordinances of the city. He shall keep regular and correct accounts in accordance with the generally accepted accounting principles for municipalities. All checks or drafts issued in disbursement of city funds other than payroll checks or drafts shall bear the signatures of the mayor and the city recorder, or the signatures of the chairman of the finance committee and the city recorder. (1968 Code, § 1-305, as amended by Ord. #7, April 1978)

1-306. Shall perform general administrative duties. The recorder-treasurer shall perform all administrative duties for the board of mayor and aldermen and for the municipality which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1968 Code, § 1-306)

CHAPTER 4

CODE OF ETHICS

SECTION

- 1-401. Applicability.
- 1-402. Definition of personal interest.
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations and penalty.

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. (Ord. #92-2011, July 2011)

1-402. Definition of personal interest. (1) For purposes of §§ 1-403 and 1-404, "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 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. (Ord. #92-2011, July 2011)

1-403. 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 himself¹ from voting on the measure. (Ord. #92-2011, July 2011)

1-404. 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 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. (Ord. #92-2011, 2011)

1-405. 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. (Ord. #92-2011, July 2011)

1-406. 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. (Ord. #92-2011, July 2011)

1-407. 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.

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

(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. (Ord. #92-2011, July 2011)

1-408. 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. (Ord. #92-2011, July 2011)

1-409. 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. (Ord. #92-2011, July 2011)

1-410. 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. (Ord. #92-2011, July 2011)

1-411. Violations and penalty. 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. (Ord. #92-2011, July 2011)