

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY RECORDER.
4. ADMINISTRATOR.
5. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Time and place of regular meetings and workshop meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Swearing in ceremonies for new officers.

1-101. Time and place of regular meetings and workshop meetings. The city council shall hold regular monthly meetings at 6:00 P.M. on the first Tuesday night of each month at the municipal building. The city council shall hold workshop meetings at 6:00 P.M. on the last Monday of each month at the municipal building. The city council reserves the right to

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

Compensation: § 16.
Membership, terms, and powers: § 5.
Removal from office: § 15.
Vacancy in office: § 19.

reschedule any meeting due to holidays, conflicts, etc. and any such rescheduled meeting shall be duly published according to Tennessee law. (Ord. #2010-07, Jan. 2011)

1-102. Order of business. At each meeting of the city council, 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 and councilmen;
- (6) Reports from officers, committees and boards;
- (7) Old business;
- (8) New business; and
- (9) Adjournment. (2000 Code, § 1-102)

1-103. 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 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 this code. (2000 Code, § 1-103)

1-104. Swearing in ceremonies for new officers. (1) Following a general municipal election in which new members of the city council or a new mayor may be elected, it shall be the duty of the mayor serving at the time of such election to make arrangements to have the prescribed oath of office administered to the newly elected city councilmen and mayor prior to their assuming office on the first day of December succeeding such election.

(2) It shall be the duty of the mayor and the city administrator to furnish the newly elected councilmen and mayor complete and current statements of the condition of the city budget.

(3) It shall be the responsibility of the mayor and the city administrator to arrange a comprehensive orientation and training program for newly elected councilmen and mayor which shall include an introduction to the head of each department of the city and a comprehensive report of the projects in which their departments are engaged. (2000 Code, § 1-104)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (2000 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the city council. (2000 Code, § 1-202)

¹Charter references
Compensation: § 16.
Duties: § 5-A.

CHAPTER 3

CITY RECORDER

SECTION

1-301. Office created.

1-302. To be bonded.

1-303. To keep minutes, etc.

1-304. To perform general administrative duties, etc.

1-301. Office created. The offices of city clerk, city treasurer, budget director, and meter collector are hereby consolidated and the office of city recorder is created for the purpose of taking over and performing the duties of such offices.

The city recorder shall be appointed by and serve at the pleasure of the city council and shall receive such compensation as the council shall provide. He shall have all the powers and duties that have been, or may be, prescribed in the charter or by the city council for the city recorder or any of the offices hereby consolidated. (2000 Code, § 1-301)

1-302. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the city council before assuming the duties of his office. (2000 Code, § 1-302)

1-303. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (2000 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the city council and for the city 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 city shall provide. (2000 Code, § 1-304)

CHAPTER 4

ADMINISTRATOR

SECTION

- 1-401. Office of administrator created.
- 1-402. Residence.
- 1-403. Vacancy in office of, or absence of.
- 1-404. Bond.
- 1-405. Duties of administrator.
- 1-406. City council - administrator relations.
- 1-407. Departmental cooperation.
- 1-408. Attendance at council meetings.
- 1-409. Removal.
- 1-410. Severance pay.

1-401. Office of administrator created. There is hereby created the office of administrator for the City of LaFollette. The city council shall appoint and fix the salary of said administrator, who shall serve at the pleasure of the city council. The administrator shall be selected solely on the basis of his training, experience, and other administrative qualifications. Minimum qualifications shall include a college degree and training or experience in municipal management or public administration. The administrator shall give full time to the duties of his office. No member of the city council shall be eligible for appointment as city administrator until one (1) year has elapsed after such council member shall have ceased to be a member of the city council. (2000 Code, § 1-401)

1-402. Residence. Residence in the city at the time of appointment of a city administrator shall not be required as a condition of the appointment, but within ninety (90) days after reporting for work the city administrator must become a resident of the City of LaFollette. (2000 Code, § 1-402)

1-403. Vacancy in office of, or absence of. During periods of vacancy in the office, temporary absences or disability of the administrator, the city council may appoint an acting administrator, or may designate a qualified administrative officer of the city to assume the duties and authority of the administrator. (2000 Code, § 1-403)

1-404. Bond. The city administrator and acting city administrator shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the said city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city administrator and

acting city administrator as herein prescribed. Any premium for such bond shall be a proper charge against the City of LaFollette. (2000 Code, § 1-404)

1-405. Duties of administrator. It shall be the duty of the administrator to supervise and coordinate all administrative activities of the affairs of the city under the city council.

(1) To make recommendations to the city council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city.

(2) To keep the city council fully advised as to the conditions and needs of the city including an inventory of property and equipment, and to recommend what repairs or replacements are needed.

(3) To recommend what programs or projects involving public works or public improvements should be undertaken by the city and priority of same.

(4) To recommend to the city council the employment, dismissal, promotion or demotion of any employee, and to keep personnel files on all employees.

(5) To act as purchasing agent subject to the policies, rules and regulations established by the city council.

(6) To review, approve, and recommend to the city council a budget for each department of the city coming under the supervision of the city council.

(7) To act as liaison officer for the city council in coordinating the activities under the council with the activities of the city under separate boards and commissions.

(8) To serve as coordinator for all federal and state programs which may be available to the city.

(9) To perform such other duties as may be required of him by resolution of the city council. (2000 Code, § 1-405)

1-406. City council - administrator relations. The city council and its members shall deal with the administrative services of the city only through the city administrator, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city administrator. The city administrator shall take his orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilman shall give any orders or instructions to the city administrator. (2000 Code, § 1-406)

1-407. Departmental cooperation. It shall be the duty of all subordinate officers and the city recorder and city attorney to assist the city administrator in administering the affairs of the city efficiently, economically and harmoniously. (2000 Code, § 1-407)

1-408. Attendance at council meetings. The city administrator may attend any and all meetings of the planning commission, recreation and park commission, and any other commissions, boards or committees created by the city council upon his own volition or upon direction of the city council. At such meetings which the city administrator attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform said members as to the status of any matter being considered by the city council, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (2000 Code, § 1-408)

1-409. Removal. The city administrator shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general municipal election held in the city at which election a member of the city council is elected or when a new city councilman is appointed; the purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city administrator in the performance of the powers and duties of his office. After the expiration of said ninety (90) day period aforementioned, the city administrator may be removed only by a majority vote of the city council as then constituted. (2000 Code, § 1-409)

1-410. Severance pay. On termination of employment of the city administrator by reason of involuntary removal from service other than for willful misconduct in office, the city administrator shall receive cash severance pay in a lump sum equal to one (1) months' pay for up to two (2) years of continuous service and two months pay for continuous service in excess of two (2) years service and over. (2000 Code, § 1-410)

CHAPTER 5

CODE OF ETHICS¹

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations and penalty.

1-501. Applicability. This chapter is the code of ethics for personnel of the City of LaFollette. 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

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* sections indicated:

Campaign finance - *Tennessee Code Annotated*, title 2, chapter 10.

Conflict of interests - *Tennessee Code Annotated*, §§ 6-54-107,108; 12-4-101,102.

Conflict of interests disclosure statements - *Tennessee Code Annotated*, § 8-50-501 and the following sections. Consulting fee prohibition for elected municipal officials - *Tennessee Code Annotated*, §§ 2-10-122, 124.

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 the appendix of the municipal code.

instrumentality appointed or created by the city. The words "municipal" and "city" or "City of LaFollette" include these separate entities. (Ord. #2007-03, June 2007)

1-502. Definition of "personal interest." (1) For purposes of §§ 1-503 and 1-504, "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;

(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. (Ord. #2007-03, June 2007)

1-503. 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. #2007-03, June 2007)

1-504. 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. #2007-03, June 2007)

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

1-505. 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 city:

(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. #2007-03, June 2007)

1-506. 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. #2007-03, June 2007)

1-507. 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 city council to be in the best interests of the city. (Ord. #2007-03, June 2007)

1-508. 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 city.

(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 city. (Ord. #2007-03, June 2007)

1-509. Outside employment. A full-time employee of the city may not accept any outside employment without written authorization from the city administrator. (Ord. #2007-03, June 2007)

1-510. 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 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 city council 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 city council, the city council 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 farther investigation. If the city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(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. #2007-03, June 2007)

1-511. 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 city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #2007-03, June 2007)