

## TITLE 1

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

#### CHAPTER

1. ADMINISTRATIVE ORGANIZATION.
2. COUNCIL MEETINGS.
3. CODE OF ETHICS.
4. PUBLIC RECORDS.

#### CHAPTER 1

### ADMINISTRATIVE ORGANIZATION<sup>2</sup>

#### SECTION

1-101. Departments.

**1-101. Departments.** The administrative organization shall consist of the following departments to be under the direction of the department heads as indicated.

- (1) Department of administration comprising the city manager's office.
- (2) Department of finance to be under the immediate direction of the director of financial services, who shall have all of the vested powers and duties of the city recorder, and to be operated in accordance with the administrative regulations issued by the city manager.
- (3) Department of human resources under the immediate direction of the director of human resources and to be operated in accordance with the administrative regulations issued by the city manager.
- (4) Department of engineering and public works to be under the immediate direction of the director of engineering and public works and to be

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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 and electrical inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references: art. II, § 31 and art. VIII.

operated in accordance with the administrative regulations issued by the city manager.

(5) Department of police to be under the immediate direction of the police chief and to be operated in accordance with the administrative regulations issued by the city manager.

(6) Department of fire to be under the immediate direction of the fire chief and to be operated in accordance with the administrative regulations issued by the city manager.

(7) Department of computer information technology to be under the immediate direction of the director of computer information technology and to be operated in accordance with the administrative regulations issued by the city manager.

(8) Department of developmental services to be comprised of the offices of the economic development, planning, and codes to be under the immediate direction of the director of development services and to be operated in accordance with the administrative regulations issued by the city manager.

(9) Department of water and sewer to be under the immediate direction of the director of public utilities and to be operated in accordance with administrative regulations issued by the city manager.

(10) Department of electricity to be under the immediate direction of the director of electric utility and to be operated in accordance with the administrative regulations issued by the city manager. (1985 Code, § 1-101, as amended by Ord. #96-32, Nov. 1996, modified, replaced by Ord. #2009-10, March 2009, and amended by Ord. #2014-28, Sept. 2014)

## CHAPTER 2

### COUNCIL MEETINGS

#### SECTION

1-201. Time of meeting.

1-202. Place of meeting.

**1-201. Time of meeting.** The time of the regular monthly meeting of the council as authorized under Article IV of the Charter of the City of Maryville is hereby fixed at 7 o'clock PM on the first Tuesday of each month except when such day falls on a legal holiday, then the meeting shall be held on the following day. (Ord. #99-10, Feb. 1999)

**1-202. Place of meeting.** The place of the regular monthly meeting of the council as authorized under Article III of the Charter of the City of Maryville is hereby fixed at the Municipal Building, 400 West Broadway, Maryville, Tennessee, or at such other location as designated by the mayor and city manager, provided that public notice of such other location is given at least five (5) days prior to the meeting. (Ord. #99-10, Feb. 1999)

## CHAPTER 3

### CODE OF ETHICS

#### SECTION

- 1-301. Applicability.
- 1-302. Definitions.
- 1-303. Disclosure of personal interest.
- 1-304. Prohibition of acceptance of gifts and gratuities.
- 1-305. Use of information.
- 1-306. Violation and penalty.

**1-301. Applicability.** (1) This is the code of ethics for officials and employees of the city. It applies to all full-time and part-time elected or appointed officials and employees of the city, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city including, but not limited too; Maryville City Council, Maryville Regional Planning Commission, Maryville Board of Zoning Appeals, Code Review Committee, Construction Board of Adjustments and Appeals, Maryville Public Building Authority, Maryville Parking Authority, Maryville School Board, Big Springs Industrial Park Design Review Board, Historical Zoning Commission and Design Review Board. The words "city" and "municipal" include these separate entities. As provided by chapter 1, section 49(d), Tennessee Public Acts of 2006, this code of ethics shall apply to the municipal board of education and its employees.

(2) In any situation in which a personal interest under this code of ethics is also a conflict of interest under state law, the provisions of the state law shall section 3 of this chapter supersede. (as added by Ord. #2007-23, June 2007)

**1-302. Definitions.** As used in this chapter: (1) "City" means the City of Maryville, Tennessee.

(2) "City council" means the city council of the city.

(3) "Municipal board" means any board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.

(4) "Personal interest" means:

(a) Any financial, ownership, or employment interest which is the subject of a vote by a municipal board or city council, not otherwise regulated by state statutes on conflict of interest; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised by city council or a municipal board.

(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).

(5) 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. (as added by Ord. #2007-23, June 2007)

**1-303. Disclosure of personal interest.** (1) An official on city council or any municipal board with the responsibility to vote on a matter 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 matter. In addition, the official may recuse himself or herself from voting on the matter.

(2) 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 or herself from the exercise of discretion in the matter. (as added by Ord. #2007-23, June 2007)

**1-304. Prohibition of acceptance of gifts and gratuities.** 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 or she would be expected to perform, or refrain from performing, in the regular course of his or her duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him or her for past action, in executing municipal business. (as added by Ord. #2007-23, June 2007)

**1-305. 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 or her official capacity or position of employment with the intent to result in financial gain for himself or herself or any other person or entity. (as added by Ord. #2007-23, June 2007)

**1-306. Violations and penalty.** Violation of this chapter is punishable under the city's general penalty clause or other applicable laws. (as added by Ord. #2007-23, June 2007)

## CHAPTER 4

### PUBLIC RECORDS<sup>1</sup>

#### SECTION

1-401. Procedures regarding access to and inspection of public records.

**1-401. Procedures regarding access to and inspection of public records.** (1) Consistent with the Tennessee Public Records Act ("Act"), personnel of the City of Maryville shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents by submitting an "inspection/duplication of records request," Appendix A. City of Maryville personnel may require presentation of government issued photo identification that shows the requestor's Tennessee address to verify citizenship. A copy of the form of identification used will not be routinely retained by the city unless an issue is presented as to its applicability, validity or authenticity or for some other valid reason.

(2) Employees of the City of Maryville shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. The records custodian shall be the City Recorder. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of Maryville, persons requesting copying of public records shall complete a records request form to be furnished by the city. Requests to view and not copy a public record are not required to be in writing unless otherwise required by law. Persons requesting access to open records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication. All requests for public records shall be directed to the Public Records Request Coordinator ("PRRC"). The PRRC shall be the city community relations manager or his or her designee. The PRRC may be contacted at 400 West Broadway Ave., Maryville, TN 37801.

(4) When records are requested for inspection or copying, the records custodian has up to seven (7) business days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required and will be provided a "records

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<sup>1</sup>Appendices A-C (inspection/duplication of records request form, records production letter and records request denial letter) are available in the office of the recorder.

production letter," Appendix B. Confidential information will be redacted prior to providing for inspection or copying of the requested record.

Within seven (7) business days of a request for records the records custodian shall:

- (a) Produce the records requested;
- (b) Deny the records in writing, giving explanation for denial, "records request denial letter," Appendix C; or,
- (c) In the case of voluminous requests, provide the requestor, in writing, with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Up to ten (10) pages of black and white standard sized copies of records requested are free of charge to the requestor, with one (1) such set of free copies permitted per person per year. Otherwise, charges for physical copies of records where the copies total more than ten (10) per person per year, in accordance with the Office of Open Records Counsel schedule of reasonable charges, are as follows:

- (a) \$0.15 per copy for black and white copies.
- (b) \$0.50 per copy for colored copies.
- (c) \$0.15 per copy for accident reports.
- (d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city

Due to security concerns, flash drives may not be used to copy electronic data. Electronic copies are available at a rate of \$0.15 per page. Pictures may be taken of requested documents, but only after redaction of personal or confidential information has been done. Due to the costs of review and redaction of such records, copies taken by photo are also charged at a rate of \$0.15 per page.

Payment is to be made in cash, personal check or accepted credit card presented to the City of Maryville prior to receipt of any copies.

(6) Requests for copies requiring less than one (1) hour of municipal employee labor for research, retrieval and duplication are free to the requester. Labor in excess of one (1) hour may be charged by the city, in addition to the cost per copy, as provided in (5). The city may require payment in advance of producing voluminous records. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour. For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula:

In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply the total number of hours to be charged for the labor of each employee by that employee's



hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(7) The police chief shall maintain in his or her office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in human resources. Requests for police officer personnel records, other than for undercover investigators, shall be made to the PRRC who shall forward such requests to the director of human resources, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release of said police officer information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of the reasons for not releasing the information.

(8) In certain cases, access cannot be provided to original records and copies of such records will be deemed sufficient compliance with the Act. For example, the original records cannot be provided when redaction is required or when records are frail due to age or other conditions and direct access may cause damage to the originals. In such instances the records custodian should inform the requestor that access will be provided to copies of the records.

(9) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy as such redacted copy shall suffice as access to the document. (as added by Ord. #2009-38, Sept. 2009, and replaced by Ord. #2017-18, June 2017)