

**TITLE 1****GENERAL ADMINISTRATION<sup>1</sup>****CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CONTRACTS, MUTUAL AID AGREEMENTS AND OTHER TYPES OF AGREEMENTS.
5. RECORDS MANAGEMENT, RETENTION AND DISPOSAL.
6. CITY ADMINISTRATOR.
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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: title 12.

Wastewater treatment: title 18.

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## CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation.
- 1-105. Elections.
- 1-106. Duties of the board.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall convene on the second Thursday of the month at 6:30 P.M. to hold a regularly scheduled work session.

The board of mayor and aldermen may alter the schedule of the work session at the preceding business meeting to address calendar conflicts, and/ or accommodate for the business and needs of the board and community. (Ord. #246, July 2002, as amended by Ord. #13-391, April 2013, Ord. #16-434, Feb. 2016, and Ord. #18-468, April 2018, and replaced by Ord. #19-490, Oct. 2019 *Ch7\_10-24-19*)

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#### <sup>1</sup>Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 1 through 3. For specific charter provisions on the following subjects related to the board of mayor and aldermen, see the sections indicated.

Conflicts of interest: 6-2-402.

Compensation: 6-2-401.

Election: 6-1-401.

Oath: 6-1-401.

Ordinance procedure

Publication: 6-2-102.

Readings: 6-2-402.

Residence requirement: 6-1-402.

Restrictions on expenditures: 6-2-301 through 6-2-303.

Taxation: 6-2-301.

Terms of office: 6-1-403.

Vacancies in office: 6-1-405.

Vice Mayor: 6-1-405.

**1-102. 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.
- (2) Prayer.
- (3) Pledge of allegiance.
- (4) Roll call.
- (5) Welcome from mayor.
- (6) Approval and/or correction of the minutes.
- (7) Visitors comments.
- (8) Old business.
- (9) New business.
- (10) Mayor comments.
- (11) City administrator comments.
- (12) Aldermen comments.
- (13) Attorney comments.
- (14) Department and committee written reports.
- (15) Adjournment. (1990 Code, § 1-102, as replaced by Ord. #15-430, June 2015, and Ord. #16-433, Feb. 2016, and amended by Ord. #16-443, Sept. 2016)

**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 board of mayor and aldermen 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. (1990 Code, § 1-103)

**1-104. Compensation.** In accordance with Tennessee Code Annotated, § 6-3-109, the compensation of the board of mayor and aldermen shall be established in the ordinance adopting the annual budget and capital program. The compensation of the mayor may not be diminished during the mayor's term of office.

The compensation to be received by the mayor shall be two hundred dollars (\$200.00) for each regularly scheduled and special-called board meeting and fifty dollars (\$50.00) for other meetings while representing the town. The compensation to be received by each alderman shall be fifty dollars (\$50.00) for each regularly scheduled and special-called board meeting and twenty-five dollars (\$25.00) for other meetings while representing the town.

For the purposes of this statute, a "meeting" shall mean any meeting in which a member of the board of mayor and aldermen participates which directly relates to their duties as a board of mayor and aldermen member or has a bearing on the governance of the Town of Mount Carmel, Tennessee. (Ord. #328, June 2007, as replaced by Ord. #17-457, Sept. 2017)

**1-105. Elections.** Beginning with the November 2002 election for aldermen, the entire town shall consist of one (1) ward only. The three (3) candidates for aldermen receiving the highest number of votes at that election shall serve four (4) year terms in an at-large district. The other three (3) positions for aldermen shall be filled in a like manner by at-large elections in November, 2004, and shall also serve four (4) year terms in an at-large district. Municipal elections shall be held on the same date and at the same times as state and federal elections in November of even numbered years. (Ord. #237, Jan. 2002)

**1-106. Duties of the board.** Pursuant to Tennessee Code Annotated, § 6-3-106(b), the board of mayor and aldermen is hereby designated to perform all of those duties set forth in Tennessee Code Annotated, § 6-3-106(b)(2), which duties consist of employing, promoting, disciplining, suspending, and discharging all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board. (as added by Ord. #16-432, Jan. 2016)

**CHAPTER 2****MAYOR<sup>1</sup>****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

**1-201. Generally supervises town's affairs.** The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1990 Code, § 1-201)

**1-202. Executes town's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1990 Code, § 1-202)

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<sup>1</sup>Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, Title 6, Chapters 1 through 3. For specific charter provisions on the following subject related to the mayor, see the section indicated:

Conflicts of interest: § 6-2-401.

Compensation: § 6-2-401.

Election: § 6-1-401.

Oath: § 6-1-404.

Powers and duties: § 6-1-406.

Residence requirements: § 6-1-402.

Term of office: § 6-1-403.

Vacancy in office: § 6-1-405.

## CHAPTER 3

### RECORDER<sup>1</sup>

#### SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

**1-301. To be bonded.** The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1990 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder 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. (1990 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1990 Code, § 1-303)

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<sup>1</sup>Charter references

The only charter provisions which directly mention the recorder are contained in the following sections of Tennessee Code Annotated:

Judicial functions: § 6-2-403.

Signs warrants drawn on treasury: § 6-1-406.

## CHAPTER 4

### CONTRACTS, MUTUAL AID AGREEMENTS AND OTHER TYPES OF AGREEMENTS

#### SECTION

1-401. Authority.

1-402. Board approval required.

1-403. Validation.

1-404. Use of vehicles and equipment outside corporate limits permitted.

**1-401. Authority.** The board of mayor and aldermen shall have the authority to enter into contracts, mutual aid agreements and any other type of agreement which the town may enter into pursuant to Tennessee Code Annotated, §§ 6-54-601--603 and 12-9-101--109. (1990 Code, § 1-401)

**1-402. Board approval required.** The mayor shall negotiate the agreements authorized by this chapter and present the agreements to the board of mayor and aldermen for its approval. No such agreement shall be valid until approved by the board of mayor and aldermen. (1990 Code, § 1-402)

**1-403. Validation.** After approval by the board of mayor and aldermen of an agreement authorized by this chapter, the mayor shall do all things necessary to validate and make the agreement legally binding. (1990 Code, § 1-403)

**1-404. Use of vehicles and equipment outside corporate limits permitted.** Any agreements entered into pursuant to this chapter may authorize the use of and the taking of town-owned vehicles and property outside the corporate limits, the provisions of any other ordinance notwithstanding. (1990 Code, § 1-404)

## CHAPTER 5

### RECORDS MANAGEMENT, RETENTION, AND DISPOSAL

#### SECTION

- 1-501. Purpose.
- 1-502. "Public records" and "public documents" defined.
- 1-503. Adoption by reference of MTAS manual.
- 1-504. Appointment of the records management officer.
- 1-505. Duties and responsibilities.

**1-501. Purpose.** The purpose of this chapter is to establish a formal records management program for the Town of Mount Carmel; to define public records and documents, to designate the records management officer for the town, and to authorize the establishment of a records retention and disposal schedule therefore. (Ord. #254, Jan. 2003)

**1-502. "Public records" and "public documents" defined.** Pursuant to Tennessee Code Annotated, §§ 10-7-701 and 10-7-301, public records and public documents within the Town of Mount Carmel shall be construed to mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by the board of mayor and aldermen, or by any office, agency or department of the Town of Mount Carmel. (Ord. #254, Jan. 2003)

**1-503. Adoption by reference of MTAS manual.** Pursuant to Tennessee Code Annotated, § 10-7-702, the Municipal Technical Advisory Service, a unit of the Institute for Public Service of the University of Tennessee, is authorized to compile and print, in cooperation with the state library and archives, records retention manuals which shall be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments in the state. Records Management for Municipal Governments - A Reference Guide for City Officials and Municipal Public Records Custodians, May 2008 edition, or the most current publication available, as published by the Municipal Technical Advisory Service (MTAS) of the University of Tennessee, shall be and is hereby adopted by reference for use in the records management program of the Town of Mount Carmel.

After the retention period has expired, the records are to be disposed of as directed by the city recorder. The records for disposal are to be listed on a "Certificate of Records Disposal." The person or department performing the disposal shall be accompanied by a witness designated by the city recorder, and the signatures of both shall be affixed to all copies of the "certificate of records



disposal." The original of the completed "certificate of records disposal" is to be filed in the office of the city recorder. One copy shall be retained and filed in the appropriate department. (Ord. #254, Jan. 2003)

**1-504. Appointment of the records management officer.** The City Recorder of the Town of Mount Carmel shall be and is hereby appointed "Records Management Officer" for the Town of Mount Carmel, and shall discharge those duties normally associated with the office. (Ord. #254, Jan. 2003)

**1-505. Duties and responsibilities.** The records management officer shall be and is hereby authorized and directed to develop, implement and maintain a "records retention and disposal log" for all public records required to be maintained by the town, not inconsistent with the aforesaid MTAS Manual and Tennessee Code Annotated. (Ord. #254, Jan. 2003)

## CHAPTER 6

### CITY ADMINISTRATOR

#### SECTION

- 1-601. Position of city administrator.
- 1-602. Duties of city administrator.
- 1-603. Reports to the board of mayor and aldermen.

**1-601. Position of city administrator.** The board of mayor and aldermen shall hire a city administrator to serve at a salary set by the board of mayor and aldermen. (1990 Code, § 1-701, as replaced by Ord. #17-463, Nov. 2017)

**1-602. Duties of city administrator.** The city administrator position shall be endowed with the following duties, as set forth in Tennessee Code Annotated, §§ 6-3-106 and 6-4-101:

- (1) Administer the business of the municipality;
- (2) Make recommendations to the board of mayor and aldermen for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
- (3) Keep the board of mayor and aldermen fully advised as to the conditions and needs of the municipality;
- (4) Report to the board of mayor and aldermen the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;
- (5) Recommend to the board of mayor and aldermen and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;
- (6) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and propose personnel policies and procedures for approval of the board of mayor and aldermen;
- (7) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business;
- (8) Prepare and submit the annual budget and capital program to the board of mayor and aldermen for their adoption by ordinance;
- (9) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board; and
- (10) Perform such other duties as may from time to time be designated or required by the board. (1990 Code, § 1-702, as replaced by Ord. #17-463, Nov. 2017)

**1-603. Reports to the board of mayor and aldermen.** In performing the duties outlined in subsection (2) of this section, the city administrator shall be answerable only to the board of mayor and aldermen acting as a body at an open meeting. (as added by Ord. #17-463, Nov. 2017)

## CHAPTER 7

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-701. Applicability.
- 1-702. Definition of "personal interest."
- 1-703. Disclosure of personal interest by official with vote.
- 1-704. Disclosure of personal interest in non-voting matters.
- 1-705. Acceptance of gratuities, etc.
- 1-706. Use of information.
- 1-707. Use of municipal time, facilities, etc.
- 1-708. Use of position or authority.
- 1-709. Outside employment.
- 1-710. Ethics complaints.
- 1-711. Violations.

**1-701. Applicability.** This chapter is the code of ethics for personnel of the Town of Mount Carmel. 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 town. The words "municipal" and "town" or "Town of Mount Carmel" include these separate entities. (Ord. #320, Feb. 2007)

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<sup>1</sup>State 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 as Appendix A.

**1-702. Definition of "personal interest."** (1) For purposes of §§ 1-703 and 1-704, "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 interest; 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. #320, Feb. 2007)

**1-703. 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<sup>1</sup> from voting on the measure. (Ord. #320, Feb. 2007)

**1-704. 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. #320, Feb. 2007)

**1-705. 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 town;

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

(1) For the performance of an act, or refraining from 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. #320, Feb. 2007)

**1-706. 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. #320, Feb. 2007)

**1-707. 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 board of mayor and alderman to be in the best interest of the town. (Ord. #320, Feb. 2007)

**1-708. 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 town.

(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 town. (Ord. #320, Feb. 2007)

**1-709. Outside employment.** A full-time employee of the town may not accept any outside employment without written authorization from their department head. (Ord. #320, Feb. 2007)

**1-710. Ethics complaints.** (1) The town attorney is designated as the ethics officer of the town. 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) Except as otherwise provided in this subsection,

(a) 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 board of mayor and aldermen to hire another attorney, individual, or entity to act as ethics officer when he 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 town's board of mayor and aldermen, the board of mayor and aldermen shall either determine that the complaint has merit, determines that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the board determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the board of mayor and aldermen.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics. (Ord. #320, Feb. 2007)

**1-711. Violations.** 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.

Any elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter shall be subject to punishment as provided by the charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. Any appointed official or an employee who violates any provision of this chapter shall be subject to disciplinary action. (Ord. #320, Feb. 2007)