

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. TOWN ADMINISTRATOR.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Election date.

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.

Utilities: titles 18 and 19.

Zoning: title 14.

²Charter references

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

City Administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of Mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

1-103. Number of aldermen.

1-104. Public records policy for the Town of Nolensville.

1-101. Time and place of regular meetings. Regular meetings of the board of mayor and aldermen shall be held at 7:00 P.M. on the first Thursday of each month at the Nolensville Hall, located at 7218 Nolensville Road; however, if this day falls on a holiday, or on a day observed as a holiday, the regular meeting shall be held at the same time and place on the next regular work day as determined by the board of mayor and aldermen. (Ord. #96-01, Oct. 1996, as amended by Ord. #97-01, Feb. 1997, and Ord. #16-14, Aug. 2016)

1-102. Election date. In accordance with Tennessee Code Annotated, § 6-3-104, town elections shall be held on the 1st Tuesday following the 1st Monday of November in even numbered years beginning in November 1998 or at the time of the general election in those even years as determined by the election commission.

Town officials elected or re-elected at November elections shall commence their new term of office and be sworn in at the first meeting of the board of mayor and alderman in January of the calendar year following the year in which said official is elected. (Ord. #96-05, Nov. 1996, as amended by Ord. #98-08, March 1998)

1-103. Number of aldermen. In accordance with the provisions of Tennessee Code Annotated, § 6-3-101, the number of aldermen is increased from two (2) to four (4).

The transition from two (2) aldermen to four (4) aldermen shall be accomplished as follows:

(1) In the election to be held in November 2000;

(a) The successor to the alderman whose terms expires in November 2000 shall be elected for a two (2) year term of office, expiring November 2002 or until the successor is elected and qualified.

(b) The mayor to be elected in November 2000 shall be elected for a two (2) year term of office, expiring November 2002 or until the successor is elected and qualified.

(c) Two (2) additional aldermen shall be elected for a two (2) year term of office, expiring November 2002 or until their successors are elected and qualified.

(2) In the election to be held in November 2002:

(a) The mayor shall be elected for a four (4) year term of office expiring in November 2006, or until the successor is elected and qualified.

(b) The two aldermen receiving highest number of votes shall be elected for four (4) year terms of office, which shall expire in November 2006, or until their successors are elected and qualified.

(c) The other two aldermen shall be elected for two (2) year terms of office, which shall expire in November 2004, or until their successors are elected and qualified.

(3) In the elections held in November 2004 and 2006 for the successors to the offices of mayor and alderman elected in November 2002, the terms of office shall be for four (4) years, or until their successors are elected and qualified. (Ord. #99-23, Oct. 1999)

1-104. Public records policy for the Town of Nolensville. Pursuant to Tennessee Code Annotated, § 10-7-503(g), the following public records policy for the Town of Nolensville is hereby adopted by the board of mayor and aldermen to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tennessee Code Annotated, § 10-7-501, *et seq.*

The TPRA provides that all state, county and municipal records shall, at all times during business hours be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tennessee Code Annotated, § 10-7-503(a)(2)(A). Accordingly, the public records of the Town of Nolensville are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Town of Nolensville shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this policy shall be used to hinder access to public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Town of Nolensville, shall be protected as provided by current law. Concerns about this policy should be addressed to the public records request coordinator for the Town of Nolensville or to the Tennessee Office of Open Records Counsel ("OORC").

This policy is available for inspection and duplication in the office of the town recorder. Additionally, this policy is posted online at www.nolensvilletn.gov. This policy shall be reviewed periodically as needed.

This policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Town of Nolensville.

(1) Definitions. (a) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tennessee Code Annotated, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(b) "Public records." 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 any governmental agency. See Tennessee Code Annotated, § 10-7-503(a)(1)(A).

(c) "Public records request coordinator." The individual, or individuals, designated in (3)(a)(iii) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tennessee Code Annotated, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian.

(d) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication.

(2) Requesting access to public records. (a) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(b) Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing or e-mail address from the requestor for providing any written communication required under the TPRA.

(c) Requests for inspection may be made orally or in writing on Form A¹ at the Town of Nolensville Town Hall, 7218 Nolensville Road, Nolensville, Tennessee 37135, by phone at 615-776-3633.

(d) Requests for copies, or requests for inspection and copies, shall be made in writing on Form A in person or by mail at the Town of Nolensville Town Hall, 7218 Nolensville Road, Nolensville, Tennessee 37135, by phone at 615-776-3633.

(e) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records.

(3) Responding to public records requests. (a) Public record request coordinator. (i) The PRRC shall review public record requests and make an initial determination of the following:

(A) If the requestor provided evidence of Tennessee citizenship;

(B) If the records requested are described with sufficient specificity to identify them; and

(C) If the Town of Nolensville is the custodian of the records.

(ii) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(A) Advise the requestor of this policy and the elections made regarding:

(1) Proof of Tennessee citizenship;

¹Form A (Public Records Request Form A) is available in the recorder's office.

- (2) Form(s) required for copies;
- (3) Fees (and labor threshold and waivers, if applicable); and
- (4) Aggregation of multiple or frequent requests.

(B) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

- (1) The requestor is not, or has not presented evidence of being, a Tennessee citizen;
- (2) The request lacks specificity;
- (3) An exemption makes the record not subject to disclosure under the TPRA;
- (4) The Town of Nolensville is not the custodian of the requested records; or
- (5) The records do not exist.

(C) If appropriate, contact the requestor to see if the request can be narrowed.

(D) Forward the records request to the appropriate records custodian in the Town of Nolensville.

(iii) The designated PRRC is:

- (A) Name or title: Town recorder.
- (B) Contact information: the Town of Nolensville Town Hall, 7218 Nolensville Road, Nolensville, Tennessee 37135, by phone at 615-776-3633.

(b) Records custodian. (i) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(ii) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as Form B,¹ based on the form developed by the OORC.

¹Form B (Public Records Response Form B) is available in the recorder's office.

(iii) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in (3)(a)(ii)(B) and may use the Public Records Request Response Form B.

(iv) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form B to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(v) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(c) Redaction. (i) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(ii) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

(4) Inspection of records. (a) There shall be no charge for inspection of public records.

(b) The location for inspection of records within the offices of the Town of Nolensville shall be determined by either the PRRC or the records custodian.

(c) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection.

(5) Copies of records. (a) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(b) Copies will be available for pickup at the Town of Nolensville Town Hall.

(c) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(d) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the Town of Nolensville upon which the records will be downloaded.

(6) Fees and charges and procedures for billing and payment. Fees and charges for copies of public records should not be used to hinder access to public records.

(a) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(b) When fees for copies and labor do not exceed two dollars fifty cents (\$2.50), the fees may be waived. Requests for waivers for fees above two dollars fifty cents (\$2.50) must be presented to, who is authorized to determine if such waiver is in the best interest of the Town of Nolensville and for the public good. Fees associated with aggregated records requests will not be waived.

(c) Fees and charges for copies are as follows:

(i) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(ii) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(iii) The actual cost of any other medium upon which a record/information is being produced.

(iv) Labor when time exceeds one (1) hour.

(v) If an outside vendor is used, the actual costs assessed by the vendor.

(d) Payment is to be made in cash, by personal check made payable to the Town of Nolensville, or credit card to include processing fees normally charged by the town and presented to the town recorder or municipal clerk.

(e) Payment in advance will be required when costs are estimated to exceed ten dollars (\$10.00).

(f) Aggregation of frequent and multiple requests.

(i) The Town of Nolensville will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(ii) If more than four (4) requests are received within a calendar month:

(A) Records requests will be aggregated.

(B) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the

individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(C). Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: documents, plans and/or records found on the town's website at www.nolensvilletn.gov. (Ord. #97-09, July 1997, as amended by Ord. #02-07, Nov. 2002, and Ord. #07-11, June 2007, and replaced by Ord. #09-07, June 2009, and Ord. #17-07, May 2017 *Ch3_6-6-19*)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties and responsibilities.

1-201. Duties and responsibilities. (1) The mayor:

(a) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;

(b) Shall administer the day to day business of the town;

(c) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;

(d) (i) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability.

(ii) The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in the town charter.

(e) (i) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(ii) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(f) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party.

(g) As a member of the board, may make motions and shall have a vote on all matters coming before the board;

(h) Shall make appointments to boards and commissions as authorized by law.

(2) The mayor shall also perform the following duties or may designate a department head or department heads to perform any of the following duties:

(a) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the residents of the town;

¹Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

- (b) Keep the board fully advised as to the conditions and needs of the town;
- (c) Report to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town;
- (d) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed;
- (e) Recommend specific personnel positions, as may be required for the needs and operations of the town, and may propose personnel policies and procedures for approval of the board;
- (f) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;
- (g) 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; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;
- (h) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance; and
- (i) Such other duties as may be designated or required by the board. (Ord. #97-12, Aug. 1997)

CHAPTER 3

TOWN ADMINISTRATOR

SECTION

- 1-301. Duties of town administrator.
- 1-302. Appointment of town administrator.
- 1-303. Removal of town administrator.
- 1-304. Board not to interfere with appointments or removals.
- 1-305. Prior ordinances.
- 1-306. Severability.
- 1-307. Mayor as chief executive officer.

1-301. Duties of town administrator. The town administrator is responsible for the efficient management and operation of the affairs of the town in accordance with the state law and the municipal charter, town ordinances and such directives, regulations, and policies of the board of mayor and alderman (BOMA or the board) may from time-to-time adopt, subject to those provisions of the municipal charter which require the mayor to act and function as the chief executive officer of the town. The specific duties and responsibilities of the town administrator are as follows:

- (1) Day-to-day operation of the town. The town administrator shall:
 - (a) Ensure all property, real and personal, owned by the municipality is well maintained;
 - (b) Ensure that all state, county and local ordinances and regulations are followed within the town limits;
 - (c) Ensure storm water quality through a comprehensive storm water management program;
 - (d) Manage the efficient operation of the town offices;
 - (e) Identify and where feasible, implement new and more efficient methods of operations for town departments; and
 - (f) Perform such other duties consistent with this office as may by vote of the BOMA be required.
- (2) Reports and recommendations to board and committees. The town administrator shall:
 - (a) Make recommendations to the mayor and board for improving quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
 - (b) Keep the mayor and board fully advised as to the conditions and needs of the municipality;
 - (c) Report to the mayor and board the condition of all property, real and personal, owned by the municipality and recommend repairs and replacement as needed;

(d) Recommend to the mayor and board and suggest priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;

(e) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval by the board; and

(f) Consult and cooperate with the committees of the board in the administration of the town's affairs.

(3) Manage town employees. The town administrator shall:

(a) Recruit, hire, evaluate, direct, and, if necessary, discipline and terminate town employees subject to the provisions of § 1-301 in consultation with the mayor;

(b) Examine or cause to be examined the affairs or conduct of any department or employee under his/her control to insure the proper performance of duties and shall have access to all town records, books or papers to properly perform this function;

(c) Establish and maintain effective working relationships with employees;

(d) Conduct regular staff meetings to review progress, accomplishments, budgets, strategies and plans for the town;

(e) Facilitate and work within a "team oriented" environment, being both an effective team leader and team member;

(f) Support other staff in the development and implementation of goals, objectives, policies, or priorities;

(g) Train and supervise all staff including consultants; and

(h) Handle confidential information with tact and discretion;

(i) For the purposes of the chapter, the mayor shall be deemed to have delegated to the town administrator to perform the functions in subsection (3).

(4) Interact effectively with governmental officials and community members. The town administrator shall:

(a) Establish and maintain effective working relationships with town officials, the business community, the general public and state, regional and federal officials;

(b) Communicate effectively with the public and development community orally and in writing;

(c) Educate the public on town, county, and state ordinances, regulations, and plans;

(d) Communicate the town's position effectively in public forums and meetings;

(e) Work closely with the public receiving inquiries and complaints and attending to the resolution of same;

(f) Seek innovative solutions to problems while implementing town regulations and goals; and

(g) Participate in various local and regional groups. (as added by Ord. #13-14, April 2014)

1-302. Appointment of town administrator. The town administrator shall be appointed by majority vote of the board of mayor and aldermen for an indefinite term. The administrator shall be chosen by the board solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the office hereinafter set forth. No member of the board of mayor and aldermen shall receive such appointment neither during the term for which the member shall have been elected nor within one year after the expiration of the member's term. (as added by Ord. #13-14, April 2014)

1-303. Removal of town administrator. The board of mayor and aldermen may remove the town administrator at any time by a majority vote of its members. If requested by the town administrator, a public hearing shall be granted by the board within thirty (30) days following notice of removal. During the interim, the board may suspend the administrator from duty, but shall continue the administrator's salary and benefits until the final removal date. (as added by Ord. #13-14, April 2014)

1-304. Board not to interfere with appointments or removals. Subject to the provisions of § 1-301, neither the board of mayor and aldermen nor any of its members shall direct or request the hiring of any person to, or removal from, office by the town administrator or any of the administrator's subordinates or in any manner take part in the hiring or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the board and its members shall deal with the administration solely through the town administrator and neither the board nor any member thereof shall give orders to any subordinates of the town administrator, either publicly or privately. (as added by Ord. #13-14, April 2014)

1-305. Prior ordinances. Upon the effective date of the ordinance comprising this chapter, all prior ordinances and resolutions shall be repealed to the extent they are in conflict with this chapter. (as added by Ord. #13-14, April 2014)

1-306. Severability. It is expressly declared that the board of mayor and aldermen would have passed the other provision of this chapter irrespective of whether or not one or more provisions may be declared invalid. The provisions of this chapter shall be deemed severable and if any provisions of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons

or circumstances shall not be affected thereby. (as added by Ord. #13-14, April 2014)

1-307. Mayor as chief executive officer. Nothing herein shall be construed to reduce, void or vacate the duties of the mayor as the chief executive officer of the town as provided in § 1-301. In the event of a conflict between this chapter and § 1-301, the provisions of § 1-301 shall control. (as added by Ord. #13-14, April 2014)