

## TITLE 1

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

#### CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER.
4. CITY MANAGER.
5. CODE OF ETHICS.
6. ADMINISTRATIVE HEARING OFFICER.

#### CHAPTER 1

### BOARD OF COMMISSIONERS<sup>2</sup>

#### <sup>1</sup>Charter reference

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

#### Municipal code references

Building inspectors: title 12.  
Zoning: title 14.

#### <sup>2</sup>Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see *Tennessee Code Annotated*, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

- Appointment and removal of city judge: § 6-21-501.
- Appointment and removal of city manager: § 6-21-101.
- Compensation of city attorney: § 6-21-202.
- Creation and combination of departments: § 6-21-302.
- Subordinate officers and employees: § 6-21-102.
- Taxation
  - Change tax due dates: § 6-22-113.
  - Power to levy taxes: § 6-22-108.
  - Power to sue to collect taxes: § 6-22-115.
- Removal of mayor and commissioners: § 6-20-220.

## SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Ordinance procedure.

**1-101. Time and place of regular meetings.** The board of commissioners shall hold regular monthly meetings at 6:00 P.M. on the fourth Tuesday of each month at the Oak Hill City Hall, Nashville, Tennessee. (2011 Code, § 1-101, as amended by Ord. #0-17-07-01-00, July 2017, and replaced by Ord. #O-20-10-03-00, Oct. 2020 *Ch1\_11-10-20*)

**1-102. Order of business.** At each meeting of the board of commissioners, 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) Pledge;
- (3) Approval of minutes;
- (4) Citizen comments;
- (5) Old business;
- (6) New business;
- (7) City manager report;
- (8) Board comments; and
- (9) Adjourn. (2011 Code, § 1-102)

**1-103. General rules of order.** (1) 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 commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the city charter, or with this code as may be found elsewhere.

(2) The board shall only consider the second reading of an ordinance provided the first reading occurred not more than seventy (70) calendar days prior. If the first reading did not occur within the aforementioned time limit, and if action is still required by the board, the ordinance shall be considered again on first and second readings in the customary manner. (Ord. #0-17-06-01-00, June 2017)

**1-104. Ordinance procedure.** The board of commissioners shall not be required to read ordinances in their entirety, but may vote on and pass ordinances upon the readings of the caption only. (2011 Code, § 1-104)

## CHAPTER 2

### MAYOR<sup>1</sup>

#### SECTION

1-201. Duties and powers.

**1-201. Duties and powers.**<sup>2</sup> The mayor shall preside at all meetings of the board of commissioners and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him/her by the charter, and any ordinances duly enacted by the board of commissioners, consistent with the charter. (2011 Code, § 1-201, modified)

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<sup>1</sup>Charter reference

For general charter provisions dealing with the election and duties of the mayor and vice mayor, see *Tennessee Code Annotated*, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

<sup>2</sup>Charter references

For detailed provisions of the charter outlining the election, power and duties of the mayor see *Tennessee Code Annotated*, title 6, chapter 20, part 2, particularly, §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:

Election: § 6-20-201.

General duties: §§ 6-20-213 and 6-20-219.

May introduce ordinances: § 6-20-213.

Presiding officer: §§ 6-20-209 and 6-20-213.

Seat, voice and vote on board: § 6-20-213.

Signs journal, ordinances, etc.: § 6-20-213.

**CHAPTER 3****RECORDER**<sup>1,2</sup>**SECTION**

1-301. To keep minutes, etc.

1-302. To perform general clerical duties, etc.

1-303. To be bonded.

**1-301. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (2011 Code, § 1-301)

**1-302. To perform general clerical duties, etc.** The recorder shall perform all clerical duties for the board of commissioners for the city manager and for the municipality which are not expressly assigned by the charter, this code, or the city manager to another corporate officer. He/she 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. (2011 Code, § 1-302, modified)

**1-303. To be bonded.** The recorder shall be bonded in the sum of fifty thousand dollars (\$50,000.00), with surety acceptable to the governing body. (2011 Code, § 1-303, modified)

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<sup>1</sup>Charter references

For charter provisions outlining the duties and powers of the recorder, see *Tennessee Code Annotated*, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see *Tennessee Code Annotated*, title 6, chapter 22, particularly § 6-22-119.

<sup>2</sup>If city recorder office is vacant, the city manager will determine who will fulfill the city recorder duties.

**CHAPTER 4****CITY MANAGER<sup>1</sup>****SECTION**

1-401. Duties and powers.

**1-401. Duties and powers.**<sup>2</sup> The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes, and shall perform all other duties required of him pursuant to the charter or by resolution or ordinance of the board of commissioners. (2011 Code, § 1-401)

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<sup>1</sup>Charter reference

For charter provisions outlining the appointment and removal of the city manager, see *Tennessee Code Annotated*, title 6, chapter 21, part 1, particularly § 6-21-101.

<sup>2</sup>Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701, 6-21-704, and 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

## CHAPTER 5

### CODE OF ETHICS

#### SECTION

- 1-501. Preamble.
- 1-502. Applicability.
- 1-503. Definition of "personal interest."
- 1-504. Disclosure of personal interest by official with vote.
- 1-505. Disclosure of personal interest in nonvoting matters.
- 1-506. Acceptance of gratuities, etc.
- 1-507. Use of information.
- 1-508. Use of municipal time, facilities, etc.
- 1-509. Use of position or authority.
- 1-510. Outside employment.
- 1-511. Ethics complaints.
- 1-512. Violations and penalty.

**1-501. Preamble.** The citizens of Oak Hill are entitled to have fair, ethical, and accountable local government that has earned the public's full confidence for integrity. Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial, and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. To this end the City of Oak Hill Board of Commissioners adopts this code of ethics for the City of Oak Hill to assure public confidence in the integrity of local government and its effective and fair operation. (2011 Code, § 1-501)

**1-502. 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. (2011 Code, § 1-502)

**1-503. 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), stepparent(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. (2011 Code, § 1-503)

**1-504. 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. (2011 Code, § 1-504)

**1-505. Disclosure of personal interest in nonvoting 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. (2011 Code, § 1-505)

**1-506. 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. (2011 Code, § 1-506)

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

**1-507. 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. (2011 Code, § 1-507)

**1-508. 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 governing body to be in the best interests of the municipality. (2011 Code, § 1-508)

**1-509. 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. (2011 Code, § 1-509)

**1-510. 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. (2011 Code, § 1-510)

**1-511. 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 that the governing body 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. (2011 Code, § 1-511)

**1-512. 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 a penalty 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. (2011 Code, § 1-512, modified)

## CHAPTER 6

### ADMINISTRATIVE HEARING OFFICER

#### SECTION

- 1-601. Administrative hearing officer.
- 1-602. Appointment, qualifications, and duties.
- 1-603. Jurisdiction.
- 1-604. Procedure, appeals.

**1-601. Administrative hearing officer.** In accordance with *Tennessee Code Annotated*, §§ 6-54-1001 *et seq.*, there is created the office of administrative hearing officer to hear building and property maintenance violations. (Ord. #13-7, July 2013)

**1-602. Appointment, qualifications, and duties.** (1) One (1) administrative hearing officer position is created and shall be appointed by the board of commissioners for a four (4) year term; however, such administrative hearing officer shall serve at the pleasure of the board of commissioners. The board of commissioners may also enter into an interlocal agreement with one (1) or more other municipalities to employ the administrative hearing officer.

(2) The administrative hearing officer shall be qualified according to *Tennessee Code Annotated*, § 6-54-1006 and receive training required by *Tennessee Code Annotated*, § 6-54-1007. In addition to the one (1) administrative hearing officer position, the city may also contract with the state administrative procedures division to employ an administrative law judge on a temporary basis to serve as an administrative hearing officer.

(3) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided for in *Tennessee Code Annotated*, §§ 6-54-1001, *et seq.*

(4) Administrative support for the administrative hearing officer shall be provided as determined by the city manager. (Ord. #13-7, July 2013)

**1-603. Jurisdiction.** The administrative hearing officer shall have the authority to hear cases involving violations of all municipal ordinances regulating building and property maintenance, all building, residential, plumbing, electrical, gas, mechanical, energy, and property maintenance codes adopted by the city and as may be amended from time to time. In addition, the administrative hearing officer shall have the authority to hear cases involving violations of any other ordinances regulating any subject matter commonly found in the above mentioned codes, as may be amended. More specifically, the administrative hearing officer shall have jurisdiction over title 12, chapter 1 - Building Codes, of the Oak Hill Municipal Code, including all codes adopted by reference; all chapters of title 13 - Property Maintenance Regulations; and title

14 - Zoning and Land Use Control, of the Oak Hill Municipal Code. (Ord. #13-7, July 2013)

**1-604. Procedure, appeals.** (1) The officer issuing a citation for an ordinance or code violation and the administrative hearing officer shall follow the procedures and notice requirements set forth in *Tennessee Code Annotated*, §§ 6-54-1001 *et seq.*, as may be amended; however, nothing herein shall be construed as prohibiting the city from prosecuting the violation of any ordinance or code provision in any manner authorized by law and the city manager shall have the authority and discretion to determine where to prosecute such violations.

(2) Any person or entity that is aggrieved by a final decision of the administrative hearing officer shall be entitled to judicial review pursuant to *Tennessee Code Annotated*, § 6-54-1017, which shall be the only available method of judicial review. (Ord. #13-7, July 2013)