

## TITLE 1

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

#### CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. ETHICS POLICY.

#### CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

#### SECTION

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

**1-101. Time and place of regular meetings.**<sup>3</sup> The board of mayor and aldermen shall hold regular monthly meetings at 5:00 P.M. on the first Monday of each month at the city hall. In the event the first Monday falls on a holiday, the meeting will be held on the second Monday. (1965 Code, § 1-101, modified)

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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, chapter 3.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

#### <sup>2</sup>Charter references

Election of mayor and aldermen: § 2.01.

Qualifications: § 2.

Vacancies in office: § 2.09.

#### <sup>3</sup>Charter reference

Meetings: § 2.11.

**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 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) Communications from the mayor;
- (5) Reports from committees, members of the board of mayor and aldermen, and other officers;
- (6) Old business;
- (7) New business; and
- (8) Adjournment. (1965 Code, § 1-102, modified)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in *Robert's Rules of Order, 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. (1965 Code, § 1-103)

**1-104. Salary.** The salary for the office of alderman be set at three hundred dollars (\$300.00) per month and shall be four hundred fifty dollars (\$450.00) per month commencing July 1, 2021. (Ord. #05-10-05A, June 2005, modified)

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

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Salary.

**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. (1965 Code, § 1-201)

**1-202. Executes town's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1965 Code, § 1-202)

**1-203. Salary.** The salary for the office of mayor be set at eight hundred dollars (\$800.00) per month, and shall be one thousand two hundred dollars (\$1,200.00) per month commencing July 1, 2021. (Ord. #05-10-05A, June 2005, modified)

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<sup>1</sup>Charter references

Duties: § 2.06.

Election: § 2.01.

Oath of office: § 2.02.

**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 the sum of ten thousand dollars (\$10,000.00) with surety acceptable to the board of mayor and aldermen, before assuming his duties. (1965 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. (1965 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. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1965 Code, § 1-303)

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<sup>1</sup>Charter references  
Compensation: § 3.03.  
Duties: § 3.

## CHAPTER 4

### ETHICS POLICY

#### SECTION

- 1-401. Applicability.
- 1-402. Definitions.
- 1-403. Gift ban.
- 1-404. Gift ban exceptions.
- 1-405. Disposition of gifts.
- 1-406. Disclosure of personal interests by official with vote.
- 1-407. Disclosure of personal interests in nonvoting matters.
- 1-408. City recorder to maintain disclosure file.
- 1-409. Ethics complaints.
- 1-410. Town recorder to file copy of chapter with Tennessee Ethics Commission.
- 1-411. Violations and penalty.

**1-401. 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. (Ord. #05-08-07, June 2007)

**1-402. Definitions.** For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section.

- (1) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (2) "Immediate family" means parents, spouse and children.
- (3) "Personal interest" means:
  - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the town, or is regulated by any agency of the town;
  - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the town has or is negotiating an acquisition, leasehold, or easement agreement; or
  - (c) Any such financial or ownership interest as defined in subsection (3)(a) and (3)(b) above by the officer or employee's spouse or immediate family member.

(4) "Town" means the municipality of Alamo, Tennessee. (Ord. #05-08-07, June 2007)

**1-403. Gift ban.** Except as permitted in § 1-404, no official or employee, nor any immediate family member of such official or employee for whom this chapter is applicable, shall intentionally or knowingly solicit or accept any gift as defined herein. (Ord. #05-08-07, June 2007)

**1-404. Gift ban exceptions.** Section 1-403 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public;

(2) Anything for which the officer or employee, or a member of his or her immediate family, pays the fair market value;

(3) Any contribution that is lawfully made to the officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fundraising event in support of a political organization or candidate;

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals;

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée;

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or

similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means;

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances;

(9) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity;

(10) Bequests, inheritances, and other transfers at death;

(11) Ceremonial gifts or awards which have insignificant monetary value; or

(12) Unsolicited gifts of nominal value or trivial items of informational value. (Ord. #05-08-07, June 2007)

**1-405. Disposition of gifts.** An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. #05-08-07, June 2007)

**1-406. Disclosure of personal interests 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (Ord. #05-08-07, June 2007)

**1-407. Disclosure of personal interests 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

the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the town 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. (Ord. #05-08-07, June 2007)

**1-408. Town recorder to maintain disclosure file.** The town recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of seven (7) years, after which the statements shall be destroyed. (Ord. #05-08-07, June 2007)

**1-409. 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 town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable laws.

(2) Except as otherwise provided in this chapter, the town 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 to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this chapter. The town attorney may request that the board of mayor and aldermen retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against a member of the board of mayor and aldermen, the board of mayor and aldermen 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 board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the board of mayor and aldermen.

(4) When a violation of this chapter also constitutes a violation of the town's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (Ord. #05-08-07, June 2007)

**1-410. Town recorder to file copy of chapter with Tennessee Ethics Commission.** Upon adoption by the board of mayor and aldermen, the town recorder is hereby directed to file a duly signed and attested copy of this chapter with the Tennessee Ethics Commission, in compliance with section 49



of Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly. (Ord. #05-08-07, June 2007)

**1-411. 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 town charter or other applicable law and, in addition, is subject to censure by the board of mayor and aldermen. An appointed official or employee who violates any provision of this chapter is subject to disciplinary action up to, and including, termination of employment. (Ord. #05-08-07, June 2007)