

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY CLERK.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Council member compensation.
- 1-105. Beer board, liquor board and budget committee compensation.

1-101. Time and place of regular meetings. The city council shall hold the workshop and regular monthly meetings at 6:00 P.M. on the first and second

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 inspector: title 12.
 Fire department: title 7.
 Utilities: titles 18 and 19.
 Wastewater treatment: title 18.
 Zoning: title 14.

²Charter references

Compensation: § 10(b).
 Composition: § 10(a).
 Elections: § 8.
 Expenses: § 10(b).
 Powers: § 10(a).
 Quorum: § 10(d).
 Regular meetings: § 10(c).
 Subpoena power: § 10(d).
 Vacancy in office: § 13.

Tuesday of each month at the municipal building. (1973 Code, § 1-101, as amended by Ord. #216, April 2000, and Ord. #412, Sept. 2013)

1-102. Order of business. At each meeting of the city council, 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 city clerk.
- (3) Reading of minutes of the previous meeting by the city clerk and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, councilmen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1973 Code, § 1-102)

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 city council 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. (1973 Code, § 1-103, modified)

1-104. Council member compensation. The salaries of each council member shall be ninety-three dollars and seventy-five cents (\$93.75) per council workshops and council meetings. (as added by Ord. #304, June 2005, and amended by Ord. #351, Nov. 2008, and Ord. #405, June 2013)

1-105. Beer board, liquor board and budget committee compensation. All members of the beer board, liquor board, and budget committee shall be compensated ninety-three dollars and seventy-five cents (\$93.75) per meeting. (as added by Ord. #351, Nov. 2008, and amended by Ord. #409, Aug. 2013)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. Compensation of mayor.

1-204. Compensation of board of appeals.

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. (1973 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the city council. (1973 Code, § 1-202)

1-203. Compensation of mayor. The salary of the mayor shall be twenty thousand eight hundred seventy-five dollars (\$20,875.00) per year. (as added by Ord. #304, June 2005, and amended by Ord. #405, June 2013)

1-204. Compensation of board of appeals. The salary of the board of appeals shall be sixty-two dollars and fifty cents (\$62.50) per meeting. (as added by Ord. #304, June 2005, and amended by Ord. #405, June 2013)

¹Charter references

Ceremonial head of city: § 11.

Compensation: § 10(b).

Control of expenditures: § 35.

Elections: § 8.

Powers and duties: § 19.

Presides over city council: § 11.

Vacancy in office: § 13.

CHAPTER 3

CITY CLERK¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-304. Adoption of Public Acts 1994, chapter 648.

1-301. To be bonded. The city clerk shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city council. (1973 Code, § 1-301)

1-302. To keep minutes, etc. The city clerk shall keep the minutes of all meetings of the city council and shall number and preserve the original copy of all ordinances in a separate ordinance book. (1973 Code, § 1-302)

1-303. To perform general administrative duties, etc. The city clerk shall perform all administrative duties for the city council and for the town which are not assigned by the charter, this code, or the city council to another corporate officer or employee. He 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. (1973 Code, § 1-303)

1-304. Adoption of Public Acts 1994, chapter 648. The City of Ashland City adopts by reference the requirements of Public Acts 1994, chapter 648, which is attached to this ordinance and made a part thereof as if it were fully set out in the text of this ordinance.²

¹Charter references

Appointment, term, powers, and duties: § 20.

²See ordinance number 109 (July 1994) of record in the recorder's office.

CHAPTER 4

CODE OF ETHICS¹**SECTION**

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.
- 1-412. Appearance of impropriety.

¹State 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 (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 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.

1-401. Applicability. This chapter is the code of ethics for personnel of the Town of Ashland City. 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. (as added by Ord. #335, June 2007)

1-402. Definition of "personal interest." (1) For purposes of this chapter, "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; 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 step child(ren); or

(d) Any such financial, ownership, or employment interest of the official's or employee's spouse's parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include:

(a) Any job, occupation, consultation, or other position for which the employee or official is compensated, whether by a third party/entity or in a self-employed capacity, other than the Town of Ashland City; and

(b) Any 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 a vote of any Town of Ashland City board, committee, or commission, or that is to be regulated or supervised by the Town of Ashland City.

(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. (as added by Ord. #335, June 2007)

1-403. 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 or herself from voting on the measure. (as added by Ord. #335, June 2007)

1-404. 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, or is in a reasonably apparent position of influence over such matter, shall disclose, before the exercise of the discretion or influence, 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. (as added by Ord. #335, June 2007)

1-405. Acceptance of 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 over the amount of fifty dollars (\$50.00):

(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. (as added by Ord. #335, June 2007)

1-406. 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. (as added by Ord. #335, June 2007)

1-407. Use of municipal time or facilities. (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 or herself. An official or employee may use a facility of the Town of Ashland City for his or her own personal use only upon express permission by the mayor.

(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. (as added by Ord. #335, June 2007)

1-408. 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. (as added by Ord. #335, June 2007)

1-409. Outside employment or other position of financial interest.

(1) Outside employment, or other position of financial interest, shall be defined as any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the Town of Ashland City.

(2) All positions of outside employment, or other position of financial interest, must be submitted on the outside employment form provided by the city and approved on an annual basis by the employee's respective department head prior to the acceptance, or continuance, of such outside employment, or other position of financial interest.

(3) No employee of the Town of Ashland City shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:

(a) Will unreasonably inhibit the performance of any affirmative duty of the city position or conflict with any provision of the city's charter or any ordinance or policy;

(b) Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities; or

(c) Is incompatible with city employment in any way, including the appearance of any conflict of interest or impropriety. (as added by Ord. #335, June 2007)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics coordinator for the Town of Ashland City. Upon the written credible request or ethics complaint of an official or employee potentially affected by a provision of this chapter, the city attorney shall gather and organize any information required to fully investigate the written request and shall forward such information to an attorney designated by the Ashland City Council as an ethics investigator. In all respects, the city attorney shall act as the city's liaison to the ethics investigator during, and at the conclusion of such investigation. The written ethics request or complaint shall be delivered to the city attorney as a sworn statement of facts, under oath, before a notary public. False statements of fact may be subject to a perjury charge. The mayor and city council shall be advised that an ethics inquiry is occurring.

(2) Such ethics investigator shall be chosen from anyone of three (3) attorneys approved annually by resolution of the city council as administrative law officers, and with whom the Town of Ashland City has entered into an agreement for compensation to act in such capacity.

(3) Such ethics investigator shall review all information provided by the city attorney and shall render a written advisory ethics opinion to the city

attorney as to whether any violations have occurred based upon this ethics policy or other applicable law. Should the ethics investigator require additional information, the city attorney shall be responsible for coordinating any other information, witnesses, or statements and providing such information to the ethics investigator. The subpoena power of the city council may be used to obtain information, if required. The ethics investigator shall report the findings to the city attorney within sixty (60) days of the complaint, unless more time is required and approved by city council action. Upon request, the ethics investigator may also be asked to issue a written advisory opinion about an ethics question or situation.

(4) Once the ethics investigator concludes an investigation and renders an opinion about a complaint or request, the city attorney shall forward such written opinion, along with any recommendations for action(s) to end or seek retribution for any activity that, in the ethics investigator's judgment, constitutes a violation of this code of ethics, to the Ashland City Council, the mayor, and, if the subject of the investigation is an employee, to the employee and such employee's department head. The opinion shall also be sent to the person(s) that filed the request or complaint.

(5) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the investigation of such complaint shall proceed as heretofore described.

(6) Any complaint filed with malice or under false statements of fact or, in an obvious attempt to embarrass, shall be the subject of proper sanctions or disciplinary action. However, any city employee shall be able to file a valid complaint without fear of retaliation. Any supervisor, or any other employee, who harasses or retaliates against an employee filing a complaint shall be subject to disciplinary action, including dismissal.

(7) The interpretation that a reasonable person in the same circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(8) 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. (as added by Ord. #335, June 2007)

1-411. Violations. 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 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. (as added by Ord. #335, June 2007)

1-412. Appearance of impropriety. At all times, every Town of Ashland City employee or official, whether elected or appointed, shall conduct himself or herself in a manner so as to avoid even the appearance of any impropriety. (as added by Ord. #335, June 2007)