

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. CITY MANAGER.
3. DIRECTOR OF FINANCE AND CITY CLERK.
4. CITY ATTORNEY.
5. 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.

1-101. Time and place of regular meetings. The city council shall hold regular monthly meetings at 6:00 P.M., Local Standard Time, on the third Tuesday of each month at the city hall. (1972 Code, § 1-101)

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.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Eligibility: art. IV, § 2.

Elections: art. IV, § 1.

Powers enumerated: art. III and art. V, § 18.

Quorum: art. V, § 13.

Recall elections: art. IV, § 7.

Terms of office: art. IV, § 4.

Vacancies in office: art. V, § 10.

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) Invocation.
- (3) Roll call by the clerk.
- (4) Approval of minutes from previous meeting.
- (5) Communications from the mayor.
- (6) Petitions and requests from citizens.
- (7) Reports from committees, members of the city council, and other officers.
- (8) Consent agenda.
- (9) Ordinances.
- (10) Old business.
- (11) New business.
- (12) Adjournment. (1972 Code, § 1-102, modified)

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. (1972 Code, § 1-103, modified)

CHAPTER 2

CITY MANAGER¹

SECTION

- 1-201. Bond.
 1-202. Expenditures generally.
 1-203. Expenditures without specific authorization.
 1-204. Expenditures between \$1,001 and \$10,000.
 1-205. Expenditures exceeding \$10,000.

1-201. Bond. Before entering upon his duties the city manager shall execute a fidelity bond in the sum of not less than \$25,000.00 for the faithful performance of his duties. The bond shall have as surety thereon some surety company authorized to do business in the state. (1972 Code, § 1-201)

1-202. Expenditures generally. The city manager shall see that all purchases for the city are made in accordance with charter requirements, in conformity with budget and appropriation ordinances and in such a manner as will reasonably insure for the city the lowest possible price. (1972 Code, § 1-202)

1-203. Expenditures without specific authorization. The maximum expenditure which the city manager may make without specific authorization of the city council is \$10,000.00. (1972 Code, § 1-203, modified, as amended by Ord. #868, § 1, April 2000)

1-204. Expenditures between \$1,001 and \$10,000. Prior to making expenditures between \$1,001 and \$2,500, the city manager shall obtain at least three (3) competitive prices via telephone, written quotations, or facsimile; between \$2,501 and \$10,000, at least three (3) competitive prices shall be obtained via written quotation or facsimile. (1972 Code, § 1-204, modified, as amended by Ord. #868, § 2, April 2000)

1-205. Expenditures exceeding \$10,000. No purchase shall be made at any one time in an amount which in the aggregate will exceed \$10,000.00 unless

¹Charter references

Administrative head: art. IX, § 1.

Bond: art. VIII, § 4.

Budget officer: art. XVII, § 1.

Powers and duties: art. IX, § 2.

Qualifications: art. VIII, § 1.

Vacancy in office: art. IX, § 1.

bids shall have been requested in a newspaper of general circulation and written invitations to bid made available not less than fourteen (14) days prior to the opening of bids. (1972 Code, § 1-205, modified, as amended by Ord. #868, § 3, April 2000)

CHAPTER 3

DIRECTOR OF FINANCE¹ AND CITY CLERK

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The director of finance shall be bonded in the minimum sum of twenty-five thousand dollars (\$25,000.00), with surety acceptable to the city council, before assuming the duties of said office. (1972 Code, § 1-301, as amended by Ord. #917, April 2004)

1-302. To keep minutes, etc. The city clerk or designee of the city manager shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (1972 Code, § 1-302, as amended by Ord. #917, April 2004)

1-303. To perform general clerical duties, etc. The city clerk or designee of the city manager shall perform all clerical duties for the city manager and city council which are not expressly assigned by the charter or this code to another corporate officer. (1972 Code, § 1-303, as amended by Ord. #917, April 2004)

¹Charter references

Evaluation of utility properties: art. XXI, § 8(e).

General provisions: art. XII.

Taxes and special assessments: art. XIII, § 1.

CHAPTER 4

CITY ATTORNEY¹

SECTION

- 1-401. Tenure.
- 1-402. To be legal advisor.
- 1-403. To review ordinances.
- 1-404. To prosecute for city.
- 1-405. To prepare contracts, etc.
- 1-406. To collect debts.
- 1-407. Miscellaneous duties.

1-401. Tenure. The city attorney shall serve at the will and pleasure of the city council. (1972 Code, § 1-401)

1-402. To be legal advisor. The city attorney shall act as legal advisor to, and attorney and counsel for, the municipality and all its officers in matters relating to their official duties. (1972 Code, § 1-402)

1-403. To review ordinances. The city attorney shall, upon the introduction of an ordinance, see that it is in proper form and not in conflict with any constitutional, statutory, or charter provision. (1972 Code, § 1-403)

1-404. To prosecute for city. The city attorney, when requested, shall be the prosecutor in any police, municipal, or other court. (1972 Code, § 1-404)

1-405. To prepare contracts, etc. The city attorney shall prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned and shall endorse on each his approval of the form and correctness thereof. (1972 Code, § 1-405)

1-406. To collect debts. Upon a report to the city attorney by the city manager of any indebtedness to the city on the part of any former officer or employee, ascertained by the manager upon audit occasioned by the death, resignation, removal, or expiration of the term of such officer, the city attorney shall forthwith proceed to collect the same. (1972 Code, § 1-406)

¹Charter references

Appointment, duties and compensation: art. X.

Delinquent tax collection: art. XI, § 6.

Supervision and control by manager: art. IX, § 2(e).

1-407. Miscellaneous duties. In addition to the above duties, the city attorney shall perform such other duties as may be required of him by statute, charter or ordinances, or by the city manager. (1972 Code, § 1-407)

CHAPTER 5

CODE OF ETHICS¹

SECTION

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

1-501. 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

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 - T.C.A. Title 2, Chapter 10.

Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.

Ouster law - T.C.A. § 8-47-101 and the following sections.

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. #956, June 2007)

1-502. 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; 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).

(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. (as added by Ord. #956, June 2007)

1-503. 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 himself¹ from voting on the measure. (as added by Ord. #956, June 2007)

1-504. 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 city manager. 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. #956, June 2007)

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

1-505. 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.

The following are not deemed to be a prohibition against accepting any money, gift, gratuity, or other consideration or favor of any kind:

(a) Any gift, excluding money, intended for all department heads, all members of city council, or all members of any committee or board appointed by city council at/or near a holiday given for a non-business purpose and motivated by the holiday season;

(b) Any unsolicited token or award of appreciation in recognition of public service in the form of a plaque, trophy, desk item, or other similar item provided that any such item shall not be in a form that can be readily converted to cash;

(c) Informational materials in the form of books, articles, periodicals, other written materials, audio tapes, video tapes or other forms of communication;

(d) Gifts that are given for a non-business purpose and motivated by a close personal friendship;

(e) Sample merchandise, promotional items, and appreciation tokens if such merchandise items and tokens are routinely given to customers, suppliers, or potential customers, or suppliers in the ordinary course of business, the value of which to the official or employee does not exceed fifty dollars (\$50.00) per occasion or accumulative value of more than one hundred dollars (\$100.00) to the official or employee during a calendar year from the same person or business entity; and

(f) Food, refreshments, meals, or beverages, the value of which to the official or employee does not exceed fifty dollars (\$50.00) per occasion or accumulative value of more than one hundred dollars (\$100.00) to the official or employee during a calendar year from the same person or business entity. (as added by Ord. #956, June 2007)

1-506. 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. #956, June 2007)

1-507. 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. (as added by Ord. #956, June 2007)

1-508. 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. #956, June 2007)

1-509. 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. (as added by Ord. #956, June 2007)

1-510. 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 the governing body 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 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.

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

(e) 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. #956, June 2007)

1-511. 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. #956, June 2007)