

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.
5. TOWN ADMINISTRATOR.
6. MUNICIPAL ELECTIONS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. Compensation of aldermen.
- 1-104. General rules of order.
- 1-105. Passage of ordinances.
- 1-106. Holding additional elected office.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the second Tuesday of each month at the Atoka Town Hall. (as amended by Ord. #14-12-01, Dec. 2014)

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.

²For elections and qualifications see sections 3, 4, 5, 6, 7 and 8 of the Charter. For salaries see section 9. For powers and duties see sections 10, 11, 12, 13 and 17.

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) Approval of the minutes of the previous meeting.
- (4) Financial reports
- (5) Old business.
- (6) New business.
- (7) Departmental reports.
- (8) Items from the mayor, aldermen and town administrator.
- (9) Citizen concerns.
- (10) Adjournment. (as amended by Ord. #12-07-01, July 2012)

1-103. Compensation of aldermen. Each alderman of the Town of Atoka shall be paid the sum of two hundred dollars (\$200.00) per month. Payment shall be made quarterly. (Ord. #17, as amended by Ord. #32, and replaced by Ord. #01-05-01, May 2001, and Ord. #12-07-02, July 2012)

1-104. 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.

1-105. Passage of ordinances. Every ordinance must be approved on two readings, not less than one week apart, and shall become effective upon final approval unless the terms of the ordinance provide a later effective date. Every ordinance, except codes adopted by reference, shall be read in full on the first reading except that this requirement may be waived by a two-thirds (2/3) vote of the board of mayor and aldermen. The second reading of any ordinance may be by title only. (Ord. No. 92-06-01)

1-106. Holding additional elected office. No elected official of the Town of Atoka shall be prohibited by the Town of Atoka from seeking or holding any other elected office to which they are eligible for election or appointment. (as added by Ord. #12-03-01, March 2012)

CHAPTER 2

MAYOR¹

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.

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen.

1-203. Salary. The salary of the mayor of the Town of Atoka is hereby set at eighteen thousand dollars (\$18,000.00) per year, payable monthly. (Ord. #17, as amended by Ord. #32, and replaced by Ord. #01-05-01, May 2001, and Ord. #10-11-01, Nov. 2010)

¹For mayor's election and qualifications see sections 4,5,6,7 and 8 of the Charter. For salary see section 9. For powers and duties see sections 10, 11, 12, 13 and 19.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-304. Compensation.

1-301. To be bonded. The recorder shall be bonded in the amount of \$5000. Such officers or persons who may also be charged with the collection or disbursement of corporate revenue shall also be bonded in the same amount. (Ord. No. 1)

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.

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.

1-304. Compensation. The recorder shall be paid according to appropriate resolution of the board of mayor and aldermen.

¹For duties of the recorder see sections 14, 15, 16, 17 and 18 of the Charter.

Ord. #97-07-01, Aug. 1997, adopts Priv. Acts 1994, ch. 648 which requires the city recorder to be certified.

CHAPTER 4

CODE OF ETHICS

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 nonvoting matters.
- 1-405. Acceptance of gratuities, et cetera.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, et cetera.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

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. (as added by Ord. #07-04-01, April 2007)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "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), 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. (as added by Ord. #07-04-01, April 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 from voting on the measure. (as added by Ord. #07-04-01, April 2007)

1-404. 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. (as added by Ord. #07-04-01, April 2007)

1-405. Acceptance of gratuities, et cetera. 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. (as added by Ord. #07-04-01, April 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. #07-04-01, April 2007)

1-407. Use of municipal time, facilities, et cetera. (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. #07-04-01, April 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. #07-04-01, April 2007)

1-409. 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. #07-04-01, April 2007)

1-410. Ethics complaints. (1) The town 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 town 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 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 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 town 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 town 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 the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics. (as added by Ord. #07-04-01, April 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. #07-04-01, April 2007)

CHAPTER 5

TOWN ADMINISTRATOR

SECTION

1-501. Appointment.

1-502. Duties.

1-503. Compensation.

1-501. Appointment. The board may appoint a town administrator who shall be under the control and direction of the board. The town administrator shall report and be responsible to the board and serve at the pleasure of the board subject to any contract between the board and the town administrator. (as added by Ord. #12-07-03, July 2012)

1-502. Duties. The town administrator shall perform the following duties:

- (1) Administer the business of the town;
- (2) Employ, promote, discipline, suspend and discharge all employees, in accordance with personnel policies and procedures adopted by the board, provided however, department heads shall be appointed or terminated only by the board;
- (3) Act as purchasing agent for the town in the purchase of all materials, supplies and equipment for the proper conduct of the town's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;
- (4) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the town;
- (5) Keep the board fully advised as to the conditions and needs of the town;
- (6) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed;
- (7) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town;
- (8) Recommend specific personnel positions, as may be required for the needs and operations of the town, and propose personnel policies and procedures for approval of the board; and
- (9) Perform such other duties as may from time to time be designated or required by the board. (as added by Ord. #12-07-03, July 2012)

1-503. Compensation. The town administrator shall be paid according to appropriate resolution of the board of mayor and aldermen. (as added by Ord. #12-07-03, July 2012)

CHAPTER 6

MUNICIPAL ELECTIONS

SECTION

1-601. Nonresident property owner voting.

1-601. Nonresident property owner voting. In accordance with Tennessee Code Annotated, § 2-6-205, nonresident property owners qualified to vote in Atoka municipal elections shall cast their municipal ballots as absentee mail ballots. (as added by Ord. #14-08-01, Aug. 2014)