

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. CITY COUNCIL.
2. MAYOR.
3. CITY ADMINISTRATOR.
4. GENERAL.
5. SUPERINTENDENT OF STREETS AND SANITATION.
6. CODE OF ETHICS.

**CHAPTER 1**

**CITY COUNCIL<sup>2</sup>**

**SECTION**

- 1-101. To exercise control and supervision of city government.
- 1-102. Meetings.
- 1-103. Order of business.
- 1-104. Rules of order.

**1-101. To exercise control and supervision of city government.**<sup>3</sup> The city council shall have and exercise all corporate legislative,

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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.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

City council: § 2.03.

Codification of ordinances: § 2.11.

Election of mayor and councilmen: § 2.01.

Restrictions on councilmen: § 2.07.

Vacancy in office of mayor or councilmen: § 2.06.

<sup>3</sup>Charter references

City council: § 2.03.

(continued...)

administrative and other powers of the city, except as otherwise provided in the charter or general law of the state or as delegated by the provisions of this code. (1998 Code, § 1-101)

**1-102. Meetings.** The city council shall hold regular public meetings on the second Monday of each month at 6:00 P.M. in the city hall. (1998 Code, § 1-103, as replaced by Ord. #17-004, Aug. 2017)

**1-103. Order of business.** At each meeting of the city council, the following regular order of business shall be observed:

- (1) The meeting will be called to order by the mayor.
- (2) The roll will be called by the administrator.
- (3) The minutes of the previous meeting will be read by the administrator and acted upon by the council.
- (4) The council will hear communications from the mayor.
- (5) The council will hear reports from committees and officers.
- (6) The council will dispose of old business.
- (7) The council will consider new business.
- (8) Accounts will be read by the administrator and acted upon by the council.
- (9) The meeting will be adjourned. (1998 Code, § 1-104, modified)

**1-104. 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 special rules in the city's charter or adopted by the council and set out in this code. (1998 Code, § 1-105)

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(...continued)

General laws may be used: § 5.02.

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

1-201. Bond of mayor.

**1-201. Bond of mayor.** Before assuming the duties of his office the mayor is required to secure a one thousand dollar (\$1,000.00) fidelity or faithful performance bond which shall be filed with the city administrator. Said bond shall be paid for by the city and shall have as surety a surety company authorized to do business in the State of Tennessee. (1998 Code, § 1-201, modified)

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<sup>1</sup>Charter references

Administrative duties of mayor: § 3.02.

Election of mayor and councilmen: § 2.01.

Mayor as presiding officer: § 2.04.

Vacancy in office of mayor or councilmen: § 2.05

Vice-Mayor: § 2.05

Municipal code reference

Bond of city employees, exceptions: title 4.

## CHAPTER 3

### CITY ADMINISTRATOR<sup>1</sup>

#### SECTION

1-301. Office established.

1-302. Bond.

1-303. Supervision over building inspector, code enforcement and superintendent of streets and sanitation.

**1-301. Office established.** The office of city administrator is hereby established. (1998 Code, § 1-301, modified)

**1-302. Bond.** Before assuming the duties of his office, the city administrator shall post with the mayor a fidelity or faithful performance bond in the sum of five thousand dollars (\$5,000.00) and shall have as surety thereon a surety company authorized to do business in the State of Tennessee.<sup>2</sup> (1998 Code, § 1-302, modified)

**1-303. Supervision over building inspector, code enforcement and superintendent of streets and sanitation.** The city administrator shall be responsible to the city council for supervising and directing the work of his office, the building inspector, and the superintendent of streets and sanitation.<sup>3</sup> (1998 Code, § 1-303, modified)

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<sup>1</sup>Charter references

Authority of council to establish, combine or modify offices and positions: § 3.03.

<sup>2</sup>Charter references

Official bond: § 3.09.

Municipal code reference

Bond of city judge: § 3-102.

Bond of city employees, exceptions: title 4.

<sup>3</sup>Municipal code references

Superintendent of streets and sanitation: title 1, ch. 5.

Building inspector: § 12-104.

**CHAPTER 4****GENERAL****SECTION**

1-401. Bonds of officers and employees.

**1-401. Bonds of officers and employees.**<sup>1</sup> Every officer, agent and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees as may be required by ordinance, shall give a fidelity bond or faithful performance bond, as provided by ordinance, with some surety company authorized to do business in the state as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bonds shall be paid by the city. All such bonds shall be kept in the custody of the city administrator, except that the city administrator's bond shall be in the custody of the mayor. (1998 Code, § 1-401, modified)

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<sup>1</sup>Charter references

Corporate powers: § 1.04.

Organization of city government: § 3.01.

## CHAPTER 5

### SUPERINTENDENT OF STREETS AND SANITATION<sup>1</sup>

#### SECTION

1-501. Office created; appointment; term.

1-502. Duties generally.

1-503. Employment of foremen and laborers.

1-504. Responsible to and supervised by administrator.

**1-501. Office created; appointment; term.** There shall be a superintendent of streets and sanitation who shall be appointed by and serve at the will and pleasure of the mayor.<sup>2</sup> (1998 Code, § 1-501, modified)

**1-502. Duties generally.** The superintendent of streets and sanitation shall supervise the repair and maintenance of all the city streets and other public ways, places and property except that controlled by the electric utility board and the water, gas and utility board, and shall supervise the collection and disposal of garbage for the residences and businesses of the city.<sup>3</sup> (1998 Code, § 1-502, modified)

**1-503. Employment of foremen and laborers.** To enable him to carry out his responsibilities, the superintendent of streets and sanitation shall have under his control and supervision such foremen and laborers as the city council shall authorize to be appointed by the mayor. (1998 Code, § 1-503, modified)

**1-504. Responsible to and supervised by administrator.** The superintendent of streets and sanitation, shall be directly responsible to, and under the direct supervision of, the city administrator.<sup>4</sup> (1998 Code, § 1-504, modified)

<sup>1</sup>Municipal code references

Superintendent of streets and sanitation to supervise garbage and trash collection: title 17

Inspection and regulation of street excavations: title 16.

<sup>2</sup>Municipal code reference

Building inspector: title 12.

<sup>3</sup>Municipal code reference

Streets and sidewalks: title 16.

<sup>4</sup>Municipal code references

City administrator to exercise direct supervision over certain offices, boards and commissions: title 1, ch. 3.

## CHAPTER 6

### CODE OF ETHICS

#### SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

**1-601. 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. The words "municipal" and "municipality" include these separate entities. (1998 Code, § 1-601)

**1-602. Definition of "personal interest."** (1) For purposes of §§ 1-603 and 1-604, "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).

(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. (1998 Code, § 1-602)

**1-603. 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. (1998 Code, § 1-603)

**1-604. 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 administrator. 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. (1998 Code, § 1-604, modified)

**1-605. 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. (1998 Code, § 1-605)

**1-606. 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. (1998 Code, § 1-606)

**1-607. 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

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



lease that is determined by the governing body to be in the best interest of the municipality. (1998 Code, § 1-607)

**1-608. 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 municipal.

(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. (1998 Code, § 1-608)

**1-609. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonable 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. (1998 Code, § 1-609)

**1-610. Ethics complaint.** (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 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 a violation of this code of ethics. (1998 Code, § 1-610)

**1-611. 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 employee who violates any provision of this chapter is subject to disciplinary action. (1998 Code, § 1-611)