

**TITLE 1**

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

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY RECORDER.
4. OFFICIAL NEWSPAPER.
5. RECORDS MANAGEMENT, RETENTION AND DISPOSAL.
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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: title 18.

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## CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation of mayor and aldermen.
- 1-105. Elections.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall:

(1) Convene its regular monthly meeting on the third Tuesday of each month in the court room at the City/County Building in Church Hill, Tennessee at 7:00 P.M. Eastern Standard Time, or in the summer at 7:00 P.M. Eastern Day Light Savings Time; except that any such regular meeting which falls on a holiday or similarly inconvenient date to the members of the Board and the public may be convened at such different time and place in the same manner as a special meeting.

(2) Whenever in the opinion of the mayor, the welfare of the city demands it, the mayor or the recorder may call a special meeting of the board of mayor and aldermen upon at least twelve (12) hours written notice to each alderman, the recorder and city attorney, served personally or left at their usual place of residence. Each call for a special meeting shall set forth the character

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#### <sup>1</sup>Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

City Administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of Mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

of the business to be discussed at such meeting and no other business shall be considered at such meetings. Public notice of the time and place of any special called meeting shall be posted in city hall, Church Hill Public Library and Church Hill Post Office.

(3) Convene any adjourned meeting at such time and place as is fixed at the meeting from which such meeting is adjourned.

(4) Cause the publication of an annual notice of all the foregoing in a newspaper of general circulation in the city. (2003 Code, § 1-101)

**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) Roll call.
- (2) Invocation.
- (3) Pledge of allegiance.
- (4) Approval of minutes of previous meetings.
- (5) Oral petitions and presentations by citizens.
- (6) Communications, memorials, and complaints.
- (7) Report of recorder; allowance of accounts.
- (8) Presentation of petitioners resolutions, and ordinances and consideration thereof.
- (9) Reports of special and standing committees.
- (10) Miscellaneous.
- (11) Adjournment. (2003 Code, § 1-102)

**1-103. General rules of order.** (1) 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.

(2) The mayor shall preside and preserve order during meetings of the board of mayor and aldermen and shall decide all points of order, subject to appeal of the board.

A majority of all members of the board shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalties as may be provided by the board.

(3) When a question is under consideration, no motion shall be entertained except:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a certain day or time.
- (e) To commit to a standing or special committee.

- (f) To amend or to substitute.
- (g) To postpone indefinitely.

These several motions shall take precedence in their order as they stand in this rule. These motions do not require a second, except the motion for the previous question or a call for the "ayes" and "noes."

(4) These rules or any of them may be suspended temporarily at any meeting by a two-thirds vote of the board. The vote shall be by "ayes" and "noes" and shall be so recorded.

(5) An "aye" and "no" vote shall be called and recorded on the vote of every ordinance, resolution, and expenditure of money, and shall be taken upon any other matter when requested by an alderman. In the event that an alderman declines to vote, the recorder shall record his vote as an abstention. A majority vote of all the members of the board shall be necessary to adopt any ordinance or resolution. (2003 Code, § 1-103)

**1-104. Compensation of mayor and aldermen.** (1) The mayor and aldermen shall receive compensation during their terms of office.

(2) The compensation to be received by the mayor shall be fifty dollars (\$50.00) for each business meeting, whether regular or called, of the board of mayor and aldermen, and any regularly scheduled commission or committee meeting, which he personally attends.

(3) The compensation to be received by each alderman, shall be thirty dollars (\$30.00) for each business meeting, whether regular or called, of the board of mayor and aldermen and any regularly scheduled commission or committee meeting, which he personally attends.

(4) The compensation received by the mayor and aldermen as herein above specified shall not be designated for a specific purpose, but may be expended by each as he solely shall desire.

(5) The compensation herein set forth shall be payable only to mayors and aldermen elected after adoption of the provisions in this section.

No mayor or alderman serving an unexpired term upon passage of the provisions in this section may receive any compensation herein set forth until at the expiration of his unexpired term, he has run for election, and been re-elected. (2003 Code, § 1-104, as amended by Ord. #07-24, June 2007)

**1-105. Elections.** Beginning with the July, 2000, election for aldermen, the entire town shall consist of one ward only. The three (3) candidates for alderman receiving the highest number of votes at that election shall serve four (4) year terms in an at-large district. The other three (3) positions for alderman shall be filled in a like manner by at-large elections in July, 2002, and shall also serve four (4) year terms in an at-large district. Elections are to be held on the first Tuesday after the first Monday in November for the year 2014 and thereafter.

The terms of the duly elected aldermen and mayor shall be automatically extended beyond the normal four (4) year term until the first regular city council meeting following the revised election date set above. (2003 Code, § 1-105, as amended by Ord. #12-451, April 2012)

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

1-201. Generally supervises city's affairs.

**1-201. Generally supervises city's affairs.** The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities.<sup>2</sup> (2003 Code, § 1-201)

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<sup>1</sup>Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

<sup>2</sup>Charter reference

Duties of Mayor: § 6-3-106.

## CHAPTER 3

### CITY 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 such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (2003 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. (2003 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 city which are not assigned by the charter, this code, or the board to another corporate officer. He shall have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. He shall also be custodian of all funds of the city, strictly accountable therefor, and shall render a financial report at each regular meeting of the board and he shall perform such other duties as may be required by the board. (2003 Code, § 1-303)

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<sup>1</sup>Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

**CHAPTER 4****OFFICIAL NEWSPAPER****SECTION**

1-401. Newspaper designated.

1-402. Alternate newspaper designated.

**1-401. Newspaper designated.** The Rogersville Review is hereby designated an official newspaper for the publication of official notices and ordinances of the City of Church Hill. (2003 Code, § 1-1101)

**1-402. Alternate newspaper designated.** All notices of public meetings, resolutions, and ordinances required by law to be published in a newspaper of general circulation in the City of Church Hill and in Hawkins County, Tennessee may henceforth be published in either the Rogersville Review or the Kingsport Times-News. (2003 Code, § 1-1102)



## CHAPTER 5

### RECORDS MANAGEMENT, RETENTION, AND DISPOSAL

#### SECTION

- 1-501. Purpose.
- 1-502. "Public records" and "public documents" defined.
- 1-503. Adoption by reference of MTAS manual.
- 1-504. Appoint of the records management officer.
- 1-505. Duties and responsibilities.

**1-501. Purpose.** The purpose of this chapter is to establish a formal records management program for the City of Church Hill; to define public records and documents, to designate the records management officer for the Town, and to authorize the establishment of a records retention and disposal schedule therefore. (2003 Code, § 1-1201)

**1-502. "Public records" and "public documents" defined.** Pursuant to Tennessee Code Annotated, §10-7-701 and §10-7-301, public records and public documents within the City of Church Hill shall be construed to mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by the board of mayor and aldermen, or by any office, agency or department of the City of Church Hill. (2003 Code, § 1-1202)

**1-503. Adoption by reference of MTAS manual.** Pursuant to Tennessee Code Annotated, § 10-7-702, the Municipal Technical Advisory Service, a unit of the Institute for Public Service of the University of Tennessee, is authorized to compile and print, in cooperation with the state library and archives, records retention manuals which shall be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments in the state. The Records Management for Municipal Governments - A Reference Guide for City Officials and Municipal Public Records Custodians, September 2002 edition, or the most current publication available, as published by the Municipal Technical Advisory Service (MTAS) of the University of Tennessee, shall be and is hereby adopted by reference for use in the records management program of the City of Church Hill.

After the retention period has expired, the records are to be disposed of as directed by the city recorder. The records for disposal are to be listed on a "Certificate of Records Disposal." The person or department performing the disposal shall be accompanied by a witness designated by the city recorder, and the signatures of both shall be affixed to all copies of the "Certificate of Records

Disposal." The original of the completed "Certificate of Records Disposal" is to be filed in the office of the city recorder. One (1) copy shall be retained and filed in the appropriate department. (2003 Code, § 1-1203)

**1-504. Appointment of the records management officer.** The City Recorder of the City of Church Hill shall be and is hereby appointed "Records Management Officer" for the City of Church Hill, and shall discharge those duties normally associated with the office. (2003 Code § 1-1204)

**1-505. Duties and responsibilities.** The records management officer shall be and is hereby authorized and directed to develop, implement and maintain a "Records Retention and Disposal Log" for all public records required to be maintained by the city, not inconsistent with the aforesaid MTAS Manual and Tennessee Code Annotated. (2003 Code, § 1-1205)

## CHAPTER 6

### MUNICIPAL RECREATION DEPARTMENT

#### SECTION

- 1-601. Director of recreation.
- 1-602. Creation and membership of recreation committee.
- 1-603. Meetings, duties and responsibilities of the recreation committee.
- 1-604. Recreation rules and regulations.
- 1-605. Inter-local agreement.

**1-601. Director of recreation.** There is hereby created for the City of Church Hill the position of director of recreation. The director shall be appointed by and serve at the pleasure of the board of mayor and aldermen. The director shall have the following responsibilities and duties:

(1) The general oversight and administration of the municipal recreation department pursuant to the policy and directives established by the board of mayor and aldermen.

(2) The supervision of the day to day activities of all part-time employees of the recreation department.

(3) The formulation and suggestion to the recreation committee of plans and programs for the recreation department. (2003 Code, § 12-501)

**1-602. Creation and membership of recreation committee.** The mayor shall appoint, subject to confirmation of the board of mayor and aldermen, a recreation committee composed of a current member of the board of mayor and aldermen, and six (6) citizens of the City of Church Hill. The current member of the board of mayor and aldermen shall be chairman of the recreation committee. The members of the committee shall serve at the pleasure of the board of mayor and aldermen. Each member shall have one (1) vote at all committee meetings. (2003 Code, § 12-502)

**1-603. Meetings, duties and responsibilities of the recreation committee.** (1) The recreation committee shall hold regular monthly meetings for the purpose of overseeing the operation of the Recreation Department of the City of Church Hill and making recommendations to the board of mayor and aldermen regarding the continuing operation of the city's parks, recreational facilities, and athletic activities. The committee shall periodically evaluate the progress and development of the various programs within the city, the level of maintenance of all recreation areas, the effectiveness of the programs, and the work of the director and other employees connected with the recreation department. The recreation committee shall aid in coordinating municipal

recreational services and programs with those of other public agencies in the community.

(2) All meetings of the committee, whether regular or special meetings, may be held at the City-County Building on Main Street in Church Hill, Tennessee and shall be open to the public. Four (4) members of the board shall constitute a quorum for the purpose of conducting business so long as the chairman is present. Meetings shall be conducted in accordance with Robert's Rules of Order, Revised.

(3) The recreation committee shall prepare and present to the board of mayor and aldermen for approval in June of each year an annual budget sufficient to finance the municipal recreation program for the next fiscal year. The committee shall also recommend a program for capital improvements to the municipal recreation facilities for the city and make recommendations regarding the allocations of public monies to provide for these improvements. The chairman of the committee shall authenticate each voucher requesting operating expenditures on behalf of the recreation department.

(4) With each annual request for appropriations, the recreation committee shall submit a comprehensive financial report on all aspects of the recreation department. This report shall be authenticated by the chairman of the committee and the city recorder. (2003 Code, § 12-503)

**1-604. Recreation rules and regulations.** The recreation committee shall recommend to the board of mayor and aldermen the establishment of rules and regulations for all recreational areas owned and/or operated by the City of Church Hill. Once adopted by the board of mayor and aldermen at public session, these rules and regulations shall be posted in a public place at each recreational area. Violation of any of these rules and regulations by members of the public visiting the area or participating in any municipal athletic activity shall be grounds for the city's barring the offender from further use of the facilities. The recreation director or his designee is authorized to enforce this section of the chapter by effecting the removal of the offender from the recreational facility. (2003 Code, § 12-504)

**1-605. Inter-local agreement.** Pursuant to Tennessee Code Annotated, the board of mayor and alderman hereby authorizes the Mayor of the City of Church Hill, upon the advice and consent of the board of mayor and alderman, to enter into inter-local agreements with neighboring municipalities for providing joint recreation programs, acquiring equipment and facilities in the use of such programs, staffing such programs, and doing all things incidental and necessary thereto for the purpose of conducting a recreation program. (2003 Code, § 12-505)

## CHAPTER 7

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-701. Applicability.
- 1-702. Definition of "personal interest."
- 1-703. Disclosure of personal interest by official with vote.
- 1-704. Disclosure of personal interest in non-voting matters.
- 1-705. Acceptance of gratuities, etc.
- 1-706. Use of information.
- 1-707. Use of municipal time, facilities, etc.
- 1-708. Use of position or authority.
- 1-709. Outside employment.

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<sup>1</sup>State 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.

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

1-710. Ethics complaints.

1-711. Violations.

**1-701. Applicability.** This chapter is the code of ethics for personnel of the City of Church Hill. 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 city. The words "municipal" and "city" or "City of Church Hill" include these separate entities. (Ord. #07-421, April 2007)

**1-702. Definition of "personal interest."** (1) For purposes of §§ 1-703 and 1-704, "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. (Ord. #07-421, April 2007)

**1-703. 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. (Ord. #07-421, April 2007)

**1-704. 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

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

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. (Ord. #07-421, April 2007)

**1-705. 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 city:

(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. (Ord. #07-421, April 2007)

**1-706. 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. (Ord. #07-421, April 2007)

**1-707. 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 board of mayor and aldermen to be in the best interests of the city. (Ord. #07-421, April 2007)

**1-708. 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 city.

(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 city. (Ord. #07-421, April 2007)

**1-709. Outside employment.** Full-time or employee of the city may not accept any outside employment without written authorization from the mayor. (Ord. #07-421, April 2007)

**1-710. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the city. 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 board of mayor and aldermen 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 city's 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 city attorney or another individual or entity chosen by the board of mayor and aldermen.

(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 as a violation of this code of ethics. (Ord. #07-421, April 2007)

**1-711. 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 board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #07-421, April 2007)