

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. CITY MANAGER.
4. RECORDER.
5. CODE OF ETHICS.
6. PUBLIC INSPECTION OF, ACCESS TO, AND DUPLICATION OF PUBLIC RECORDS.

¹Charter reference

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Fire department: title 7.

Water and sewers: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF COMMISSIONERS¹

SECTION

- 1-101. Time and place of regular meetings.
 1-102. Meetings; quorum; rules of proceeding; powers of board.
 1-103. Number of commissioners.

1-101. Time and place of regular meetings. Pursuant to Tennessee Code Annotated, § 6-20-207, the time and place at which the regular meeting of the Board of Commissioners of the City of Clifton, Tennessee, shall be the fourth Monday of each and every month at the Clifton City Hall in Clifton, Tennessee at 7:00 P.M. (CST). Provided however, the board of commissioners may reschedule or cancel a future regular monthly meeting upon the approval of a majority of the Board of commissioners at any meeting of the board prior to the date of the regular meeting to be rescheduled or canceled. Additionally, regular meetings falling on a city recognized holiday or Frank Hughes School graduation night will be held on the first weekday following the holiday at the regular time and place. (Ord #257, Jan. 2017)

¹Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

- Appointment and removal of city judge: § 6-21-501.
- Appointment and removal of city manager: § 6-21-101.
- Compensation of city attorney: § 6-21-202.
- Creation and combination of departments: § 6-21-302.
- Subordinate officers and employees: § 6-21-102.
- Taxation
 - Power to levy taxes: § 6-22-108.
 - Change tax due dates: § 6-22-113.
 - Power to sue to collect taxes: § 6-22-115.
- Removal of mayor and commissioners: § 6-20-220.

1-102. Meetings; quorum; rules of proceeding; powers of board.

Any regular meeting of the board of commissioners may be adjourned to meet on any other day before the regular meeting, and any and all business that may be transacted at regular meetings may be likewise transacted and considered at such adjourned meetings.

Special meetings may be called whenever in the opinion of the mayor or city manager, or any two (2) commissioners, the welfare of the city demands it, the mayor or city recorder shall call such special meetings of the board of commissioners upon at least twelve (12) hours written notice to each commissioner, the city manager and city attorney, served personally or left at his usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting, and no other business shall be considered at such meeting.

At all meetings of the board of commissioners, whether regular or adjourned, or special meetings, the mayor shall preside, or, in his absence, the vice mayor shall preside. At all meetings a majority of the members present 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 the board may provide.

The mayor shall have the right to determine the rules and proceedings at the meetings of the board of commissioners, subject to the charter of said City of Clifton, and he may arrest or cause the chief of police, or other police officer, to arrest, and may punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous conduct and behavior in the presence of the board and the board shall have power and may delegate it to any committee to subpoena witnesses and order the production of all books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its processes and to arrest and punish by fine and imprisonment, or both, any person refusing to obey such subpoena or order. But no fine for any one (1) offense shall exceed fifty dollars (\$50.00) nor shall any imprisonment for any one offense exceed ninety days, but each day's continuance or refusal, as aforesaid, shall be a separate offense. The presiding officer or the chairman of any committee may administer oaths to witnesses and a journal shall be kept of all proceedings and the yeas and nays on all questions shall be entered thereon. (1999 Code, § 1-102)

1-103. Number of commissioners. (1) Pursuant to authority conferred by Tennessee Code Annotated, § 6-20-101, the number of City Commissioners of the City Commission of Clifton, Tennessee, is hereby increased from three (3) members to five (5) members.

(2) At the next regular city election immediately following the adoption of this ordinance, the voters of the City of Clifton shall vote for four (4) commissioners and at the same election, shall also vote the approval or disapproval of this ordinance.

(3) If the majority of the voters of the City of Clifton shall be for approval of the ordinance, the two (2) commissioners receiving the highest number of votes shall hold office for four (4) years and the other two (2) shall hold office for a period of two (2) years.

(4) All persons who are registered voters of the City of Clifton, Tennessee, shall be entitled to vote in said election. (1999 Code, § 1-103)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Powers and duties.

1-201. Powers and duties. The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him by the charter, and any ordinances duly enacted by the board of commissioners, consistent with the charter. (1999 Code, § 1-201)

¹Charter references

Election: § 6-20-201.

General duties: §§ 6-20-213 and 6-20-219.

May introduce ordinances: § 6-20-213.

Presiding officer: §§ 6-20-209 and 6-20-213.

Seat, voice and vote on board: § 6-20-213.

Signs journal, ordinances, etc.: § 6-20-213.

CHAPTER 3**CITY MANAGER**¹**SECTION**

1-301. Powers and duties.

1-301. Powers and duties. The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes, and shall perform all other duties required of him pursuant to the charter. (1999 Code, § 1-301)

¹Charter references

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

CHAPTER 4**RECORDER¹****SECTION**

1-401. To keep record of business, etc.

1-402. To perform general administrative duties, etc.

1-401. To keep record of business, etc. The recorder shall keep a full and accurate record of all business transacted by the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (1999 Code, § 1-401)

1-402. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of commissioners, the city manager, and the city which are assigned him. He shall also have custody of, and be responsible for, maintaining all corporate bonds, records, and papers of the city. (1999 Code, § 1-402)

¹Charter references

Duties and powers: §§ 6-21-401 through 6-21-405.

Recorder as treasurer: § 6-22-119.

CHAPTER 5

CODE OF ETHICS

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal information by official with vote.
- 1-504. Disclosure of personal information in nonvoting matters.
- 1-505. Acceptance of gratuities.
- 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 separate board, commission, committee, authority, corporation, or created by the municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #211, Nov. 2006)

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), 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 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. #211, Nov. 2006)

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 himself from voting on the measure. (Ord. #211, Nov. 2006)

1-504. 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. (Ord. #211, Nov. 2006)

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. (Ord. #211, Nov. 2006)

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. (Ord. #211, Nov. 2006)

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 contact or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #211, Nov. 2006)

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 municipality. (Ord. #211, Nov. 2006)

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. (Ord. #211, Nov. 2006)

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 charter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and 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 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 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 as a violation of this code of ethics. (Ord. #211, Nov. 2006)

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. (Ord. #211, Nov. 2006)

CHAPTER 6

PUBLIC INSPECTION OF, ACCESS TO, AND DUPLICATION OF PUBLIC RECORDS

SECTION

1-601. Procedures regarding access to an inspection of public records.

1-601. Procedures regarding access to an inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Clifton shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the City of Clifton shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the city recorder or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the city recorder.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of Clifton, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the city recorder.

(4) When records are requested for inspection or copying, the city recorder has up to seven (7) business days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the city recorder shall:

- (a) Produce the records requested;
- (b) Deny the records in writing, giving explanation for denial;

or

(c) In the case of voluminous requests, provide, in writing, the requester with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

(a) Standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy - fifteen cents (\$.15) per page for each produced.

(b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy- fifteen cents (\$.15) per page for each produced.

(c) Accident reports - fifteen cents (\$.15) per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester. Employee labor in excess of one (1) hour may be charged to the requester, in addition to the cost per copy, as provided in subsection (5). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(a) For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(2) When the total number of requests made by a requester within a calendar month exceeds four (4), the requests will be aggregated, and the requester shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requester that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.

(7) If the city is assessed a charge to retrieve the requested records from archives or any other entity having possession of requested records, the city recorder may assess the requester the cost assessed to the city.

(8) Upon completion of a records request the requester may pick up the copies of records at the office of the city recorder. Alternatively, the requester

may choose to have the copies of records delivered via United States Postal Service; provided that the requester pays all related expenses in advance.

(9) The police chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the city recorder. Requests for personnel records, other than for undercover investigators, shall be made to the city recorder, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release of the information requested. In the event that the police chief refuses to release the information, he/she shall provide a written explanation of his reasons for not releasing the information.

(10) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (Ord. #259, March 2017)