

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. CITY MANAGER.
4. RECORDER.
5. CODE OF ETHICS.

CHAPTER 1

BOARD OF COMMISSIONERS

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Number of commissioners increased.
- 1-105. Date of city election and transitional elections.
- 1-106. Salary of mayor and commissioner.

1-101. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 6:00 p.m. on the first and third Mondays of each month at city hall. Whenever a regular board of commissioners meeting falls on a public holiday the meeting will be held on the next business day. (1977 Code, § 1-101, as amended by Ord. #293, June 1992)

1-102. Order of business. At each meeting of the board of commissioners the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

¹Charter reference

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.

- (1) Call to order by the mayor.
- (2) Invocation.
- (3) Roll call by the recorder.
- (4) Approval of previous meeting minutes.
- (5) Comments from citizens.
- (6) Unfinished business.
- (7) New business.
- (8) Request for reports from city administration/commissioners by the mayor.
- (9) Adjournment. (1977 Code, § 1-102, as amended by Ord. #583, July 2003, and replaced by Ord. #672, April 2007, and Ord. #698, Sept. 2008)

1-103. General rules of order. (1) The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised in Brief (2004), shall govern the transaction of business by and before the board of commissioners 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) Notwithstanding the adoption of Roberts' Rules of Order as specified in (1) above, absent a waiver of the same by a majority of the commissioners present at any meeting, the following time limits are imposed on the items listed below:

- (a) Each commissioner is limited to a total of five (5) minutes discussion on any motion;
- (b) Each commissioner is limited to a total of two (2) minutes of comments or discussion during his or her report time, which may not be extended by making a motion;
- (c) Each speaker during the comments from citizens time is limited to five (5) minutes. (1977 Code, § 1-103, as amended by Ord. #698, Sept. 2008)

1-104. Number of commissioners increased. (1) The number of members composing the city commission of the City of Collegedale, Tennessee, shall be five (5), as provided in Tennessee Code Annotated, section 6-20-101, and with terms as set out therein.

(2) This section shall take effect from and after the date of approval by a majority of the voters in the next regularly called city election following passage of this ordinance by the city commission, said procedure being in accord with that set out in the Tennessee Code Annotated, section 6-20-101. (1977 Code, § 1-104)

1-105. Date of city election and transitional elections. (1) At the city election to be held on the third Tuesday of March, 2011, the voters of the city shall elect two (2) commissioners who shall serve a transitional term as provided by Tennessee Code Annotated, §6-20-102(c)(2)(B) until the first meeting of the

board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2014, or until their successors are elected and qualified.

(2) At the general election to be held on the first Tuesday after the first Monday in November, 2014, and at the election held every four (4) years after that date, the voters of the city shall elect two (2) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified.

(3) At the city election to be held on the third Tuesday of March, 2013, the voters of the city shall elect three (3) commissioners who shall serve a transitional term as provided by Tennessee Code Annotated, §6-20-102(c)(2)(B) until the first meeting of the board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2016, or until their successors are elected and qualified.

(4) At the general election to be held on the first Tuesday after the first Monday in November, 2016, and at the election held every four (4) years after that date, the voters of the city shall elect three (3) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified. (as added by Ord. #749, July 2010)

1-106. Salary of mayor and commissioners. (1) For the commissioners elected as provided in § 1-105(2) of the Collegedale Municipal Code at the general election of November, 2014, the salary shall be four hundred fifty dollars (\$450.00) per month.

(2) For the commissioners elected as provided in § 1-105(4) of the Collegedale Municipal Code at the general election of November, 2016, and for all commissioners elected thereafter, the salary shall be four hundred fifty dollars (\$450.00) per month.

(3) For the mayor elected by the commissioners for a two (2) year term beginning at the first meeting after the November, 2014 election as provided by Tennessee Code Annotated, § 6-20-201(a), and for all mayors elected thereafter, the salary shall be five hundred dollars (\$500.00). (as added by Ord. #991, June 2014)

CHAPTER 2

MAYOR

SECTION

1-201. Duties

1-201. Duties. The duties of the mayor are set out in sections 6-20-208, 6-20-209, 6-20-213 and 6-20-219 of the charter of the City of Collegedale. (1977 Code, § 1-201)

CHAPTER 3

CITY MANAGER¹

SECTION

1-301. Duties of manager.

1-301. Duties of manager.² The city manager shall be the administrative head of the city government subject to the direction of the board of commissioners. In the capacity of administrative head, he shall appoint, remove and supervise the heads of the various departments of the city government except in those cases otherwise provided for by law. He shall attend meetings of the board of commissioners and make such recommendations to them as he may deem necessary. He shall serve as budget officer and purchasing agent for the city. (1977 Code, § 1-301)

¹Charter reference

For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly section 6-21-101.

²Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

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 be bonded.

1-402. To keep minutes, etc.

1-403. To perform general clerical duties, etc.

1-401. To be bonded. The recorder shall be bonded in such sum as determined by the board of commissioners. (1977 Code, § 1-401, modified)

1-402. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (1977 Code, § 1-402)

1-403. To perform general clerical duties, etc. The recorder shall perform all clerical duties for the board of commissioners, for the city manager, and for the city which are not expressly assigned by the charter, this code, or the city manager to another corporate officer. He shall also 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. (1977 Code, § 1-403)

¹Charter references

For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly sec. 6-22-119.

CHAPTER 5

CODE OF ETHICS

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 nonvoting 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 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. #671, Feb. 2007)

1-502. Definition of "personal interest." (1) For purposes of paragraphs (3) and (4), "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.

(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. #671, Feb. 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 himself from voting on the measure. (as added by Ord. #671, Feb. 2007)

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. (as added by Ord. #671, Feb. 2007)

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. (as added by Ord. #671, Feb. 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. #671, Feb. 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. #671, Feb. 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. #671, Feb. 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. #671, Feb. 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 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 as a violation of this code of ethics. (as added by Ord. #671, Feb. 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. #671, Feb. 2007)