

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Meetings.
- 1-102. Quorum; votes required for passage of ordinances, etc.
- 1-103. Order of business.
- 1-104. Introduction of business.
- 1-105. Rules of procedure.
- 1-106. Right to enter dissent on minutes.
- 1-107. Claims against the town.
- 1-108. Passage of ordinances.
- 1-109. Amendment or repeal of ordinances.
- 1-110. Passage of resolutions, etc.

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.

²Charter references

Corporate powers: § 11.

Oath: § 4.

Ordinances: § 12.

Qualifications: § 4.

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- 1-111. Reports, resolutions, etc., to be filed, etc.
- 1-112. Appointment of special committees.
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1-101. 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 public works/police department building, 267 West Highway 25/70. Special meetings may be called by the mayor or any two (2) aldermen. (1995 Code, § 1-101, modified)

1-102. Quorum; votes required for passage of ordinances, etc. Four (4) members of the board of mayor and aldermen shall constitute a quorum. If the mayor is absent, the vice mayor shall preside. If both the mayor and vice-mayor are absent, the members present shall appoint one of their number to preside. The votes of at least three (3) members shall be required for the passage of any measure by the board of mayor and aldermen. (1995 Code, § 1-102, modified)

1-103. 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, or in his absence, the vice mayor if present, or if otherwise any member may call the meeting to order.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the vice-mayor and approval or correction.
- (4) Presentation of petitions, memorials, remonstrances, and communications.
- (5) Presentation of accounts and other claims against the town.
- (6) Business presented by the mayor.
- (7) Reports of officers.
- (8) Reports of committees.
- (9) Presentation of ordinances and resolutions.
- (10) Old business.
- (11) New business.
- (12) Miscellaneous. (1995 Code, § 1-103, modified)

1-104. Introduction of business. All ordinances, resolutions, memorials, or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the recorder and shall be read by him to the board of mayor and aldermen. The committee to which any matter has been referred shall report thereon to the board of mayor and aldermen in writing at the first stated meeting after such reference unless no opposition is raised to further consideration by such committee.

Proposed resolutions, ordinances, and other such communications shall be filed with the recorder not later than 12:00 noon on Thursday prior to the meeting of the board of mayor and aldermen on the following Tuesday. Prior to the introduction to the board of mayor and aldermen of the aforesaid proposals, the recorder shall provide a copy of such resolutions, ordinances, memorials, and other communications for each member. The recorder shall mail or cause to be delivered a copy of any such proposal to each member, upon request in the form of a motion being filed by any member. (1995 Code, § 1-104, modified)

1-105. Rules of procedure. The following rules of procedure shall regulate business before the board of mayor and aldermen:

(1) The presiding officer of the board of mayor and aldermen shall be the mayor or such person designated by the board to serve in his absence. He shall be charged with the responsibility of deciding questions of order and matters of decorum subject to appeal to the board of mayor and aldermen.

(2) Motions shall not be entertained before debate nor be withdrawn after being read or stated. The recorder shall read all written motions and the presiding officer shall state all other motions to the board of mayor and aldermen.

(3) Motions having priority over all other motions shall have precedence in the order that follows:

- (a) To adjourn,
- (b) Lay on table,
- (c) The previous question,
- (d) To refer and to amend.

(4) The previous question shall be admitted on demand of three (3) members. It shall preclude all further amendments or debate except pending amendments to the main question, and shall be stated in the following words: "Shall the main question be now put?"

(5) Division of any question before the board may be made when such division may be effected without destroying the coherence of the question.

(6) Recognition of a member who desires to speak is made by his respectful address to the presiding officer. Such officer shall acknowledge the member of his right to the floor by stating his name.

(7) A limit on debate or speech of any member shall be ten (10) minutes for any one time and not more than two (2) times on any one question without the consent of at least three (3) members present.

(8) Voting on any question shall be controlled by the following requirements:

(a) Each member shall vote on all questions before the board unless excused by the presiding officer.

(b) An affirmative vote of the majority of the board of mayor and aldermen shall be required for any question to carry.

(c) Roll call shall be made in alphabetical order.

(d) No member shall have the right to explain the reason for his vote during roll call of members.

(e) Members shall vote "aye" to express affirmation and vote "no" to express a negative vote.

(f) Reconsideration of any question that passed may be moved by any member who voted in the affirmative, and reconsideration of any question that failed may be moved by any member who voted in the negative. Reconsideration of a question will not lie if the same results can be accomplished by another motion. Upon failure to carry, a motion to reconsider shall not be in order again.

(g) The form of all questions shall be as follows:

"As many as are of the opinion that _____, say Aye; contrary No." If doubt arises as to the result of a vote, the presiding officer or any other member may request a roll call vote. (1995 Code, § 1-105)

1-106. Right to enter dissent on minutes. Any member of the board of mayor and aldermen shall have the right to enter on the minutes his reasons for dissent from or protest against any action of the board. (1995 Code, § 1-106)

1-107. Claims against the town. No account or other demand against the town shall be allowed until the same has been considered and reported by the board or mayor and aldermen. (1995 Code, § 1-107)

1-108. Passage of ordinances. All ordinances shall have two (2) separate readings; however, the second reading shall not be held on the same day. Any report from a committee relating to an ordinance shall stand for final action on the day it is presented although such report offers an amended or substitute ordinance, provided that such amendment or substitution is germane to the original ordinance referred to the committee. (1995 Code, § 1-108, modified)

1-109. Amendment or repeal of ordinances. Amending ordinances are to be preferred over repealing ordinances. All amending or repealing

ordinances shall contain the title of the ordinance or section of an ordinance so amended or repealed. (1995 Code, § 1-109)

1-110. Passage of resolutions, etc. All resolutions for appropriation of money shall first be referred to a committee for study. Such resolutions shall stand for immediate consideration only upon the assent of a majority of the members of the board of mayor and aldermen. Any resolution providing for the appropriation of revenue shall designate the particular fund from which the appropriation is to be made. A motion for immediate consideration of any resolution shall be placed before the board of mayor and aldermen in the following language by the presiding officer: "Is there any objection to the immediate consideration of this resolution?" No objection to the resolution shall be recorded by the recorder as a unanimous vote in favor of the motion. (1995 Code, § 1-110)

1-111. Reports, resolutions, etc., to be filed, etc. Any report of the committee of the whole shall be in writing and all reports, resolutions, accounts, and petitions shall be filed with the recorder and entered upon the minutes. (1995 Code, § 1-111)

1-112. Appointment of special committees. Unless otherwise directed by the board of mayor and aldermen, all special committees shall be appointed by the presiding officer. (1995 Code, § 1-112)

1-113. Occupation of floor restricted to members generally. Only officers and members of the board of mayor and aldermen shall be permitted to occupy the floor, except with the consent of the presiding officer. (1995 Code, § 1-114)

1-114. Transaction of business at special meetings limited. No business shall be transacted at any special meeting except that for which the meeting was called. (1995 Code, § 1-115, modified)

1-115. Suspension of rules. A member upon stating the particular standing rule to which his motion is based, may move for a suspension of the rules. If any objection is raised, the motion shall be put to a vote. If no objection is made, the recorder shall record a unanimous consent. Otherwise, the rules shall not be altered, amended, or suspended except with the assent of not less than four (4) members. (1995 Code, § 1-116)

1-116. Absence of standing rule. In absence of a standing rule, the board of mayor and aldermen shall be guided by *Robert's Rules of Order, Newly Revised*. (1995 Code, § 1-117)

1-117. Vacancies. In the case of a vacancy in the office of mayor, the vice-mayor shall serve as mayor until the next regular municipal election. The board of mayor and aldermen shall fill any vacancies which occur in the office of the vice-mayor or aldermen at its next regular or special meeting for the remainder of the unexpired term. A two-thirds (2/3) vote of the board of mayor and aldermen shall be required to fill any such vacancy.

1-118. Salary of mayor and aldermen. The salary of each alderman shall be one hundred fifty dollars (\$150.00) per month and the salary of the mayor shall be one thousand three hundred fifty dollars (\$1,350.00) per month. (Ord. #16/17-02, Aug. 2016)

1-119. Replacement of appointed personnel. There shall be a vote by the board of mayor and aldermen, which shall take place at least once annually to retain or replace any personnel in a position or as an officer of the town which serves by the appointment of the board of mayor and aldermen. Said vote by the board of mayor and aldermen shall take place at the August regularly scheduled meeting of said board or as soon thereafter as is practical. Said offices where personnel are to be determined for retention or replacement shall include, but not be limited to town judge, town attorney and town administrator. Nothing contained herein shall prohibit the board of mayor and aldermen at any other time during the year from replacing any of said officers either appointed or approved at the above referenced August meeting of the board of mayor and aldermen. (Ord. #11/12-19, July 2012, modified)

1-120. Non-resident voting by absentee ballot. All persons authorized to vote in the Town of Dandridge municipal elections pursuant to the provisions of the Town of Dandridge Charter and the municipal code shall cast their municipal ballots through the mail as an absentee vote as authorized by Public Chapter 412 codified as *Tennessee Code Annotated*, § 2-6-205. (Ord. #89/19-11, May 2019)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. Appointment of committees.

1-201. Generally supervises town's affairs. The mayor shall have those powers and duties as prescribed by the municipal charter. (1995 Code, § 1-201, modified)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1995 Code, § 1-202)

1-203. Appointment of committees. The mayor, with the approval of the board of mayor and aldermen, may appoint such committees of that body as may be needed from time to time. (1995 Code, § 1-203)

¹Charter references

Duties: § 5.

Oath: § 4.

Qualifications: § 4.

Term of office: § 3.

Vacancy in office: § 6.

Veto power: § 5.

CHAPTER 3**RECORDER¹****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

1-301. To be bonded. The recorder shall be bonded in the sum of fifty thousand dollars (\$50,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his/her office. (1995 Code, § 1-301, modified)

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. (1995 Code, § 1-302)

¹Charter references

Bond: § 4.

Compensation: § 8.

Powers: § 8.

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 non-voting matters.
- 1-405. Acceptance of gratuities.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 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. (Ord. #06/07-04, May 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 nor 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. #06/07-04, May 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 shall recuse himself from voting on the measure. (Ord. #06/07-04, May 2007)

1-404. 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 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. #06/07-04, May 2007)

1-405. Acceptance of gratuities. 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. #06/07-04, May 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. (Ord. #06/07-04, May 2007)

1-407. 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. (Ord. #06/07-04, May 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. (Ord. #06/07-04, May 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. (Ord. #06/07-04, May 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 attorney's judgment, constitutes a violation of this code of ethics.

(b) The town 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, the violation shall be dealt with as a

violation of the personnel provisions rather than as a violation of this code of ethics. (Ord. #06/07-04, May 2007, modified)

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. (Ord. #06/07-04, May 2007)