

## TITLE 1

### GENERAL ADMINISTRATION<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first and third Mondays of each month at the Municipal Courtroom. (1978 Code, § 1-101, modified)

---

#### <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

Compensation: § 27.

Oath of office: § 7.

Powers: § 7.

Term of office: § 4.

Vacancies in office: § 7.

**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) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, aldermen and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1978 Code, § 1-102)

**1-103. General 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 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. (1978 Code, § 1-103, modified)

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

1-201. Generally supervises city's affairs; hires and fires.

1-202. Executes city's contracts.

1-203. To be bonded.

**1-201. Generally supervises city's affairs; hires and fires.** The mayor shall have general supervision of all the affairs of the city and may require such reports from the officers and employees of the city as he may reasonably deem necessary to carry out his executive responsibilities. The mayor may have authority to hire and fire city employees, with such action being subject to appeal to the board of mayor and aldermen. (1978 Code, § 1-201)

**1-202. Executes city's contracts.** In accordance with § 17 of the charter, the mayor and recorder shall execute all contracts as authorized by the board of mayor and aldermen. (1978 Code, § 1-202)

**1-203. To be bonded.** The mayor shall be bonded in the sum of one hundred thousand dollars (\$100,000), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office.

---

<sup>1</sup>Charter references

Compensation: § 27.

Duties: § 8.

Oath of office: § 7.

Qualifications: § 8.

Term of office: § 4.

Vacancy in office: § 7.

**CHAPTER 3****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 the sum of one hundred thousand dollars (\$100,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1978 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. (1978 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 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. (1978 Code, § 1-303)

---

<sup>1</sup>Charter references

Compensation: § 27.

Duties: § 13.

**CHAPTER 4****TREASURER<sup>1</sup>****SECTION**

1-401. To be bonded.

1-402. To maintain records of finances, etc.

**1-401. To be bonded.** The treasurer shall be bonded in the sum of one hundred thousand dollars (\$100,000), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office.

**1-402. To maintain records of finances, etc.** The treasurer shall have the duty to make sure that no money shall be drawn from the treasury by anyone except for purchases and expenditures of the municipality which have been approved by the corporation in accordance with the provisions found in the charter and the general state laws. The treasurer shall maintain records of the finances of the municipality including statements of income and disbursements of corporate funds in accordance with generally accepted accounting principles.

---

<sup>1</sup>Charter references  
Compensation: § 27.  
Duties: § 18.  
Term of office: § 6.

## CHAPTER 5

### CODE OF ETHICS

#### SECTION

- 1-501. Applicability.
- 1-502. Definitions.
- 1-503. Conflict of interest.
- 1-504. Disclosure of personal interest.
- 1-505. Acceptance of gifts and other things of value.
- 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. #BB-591, June 2007)

**1-502. Definitions.** Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

(1) "Municipal" and "municipality" means the City of Dyersburg, Tennessee which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the city or an official of the City of Dyersburg and specifically including the Dyersburg Board of Education, the Dyersburg Electric System and the Dyersburg Housing Authority.

(2) "Nominal amount" means the sum of one hundred dollars (\$100.00) per event and the sum of two hundred fifty dollars (\$250.00) per source per calendar year, which amounts are stated in 2007 dollars and shall be adjusted annually to reflect changes in the consumer price index of the United States Government.

(3) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the county.

(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 interest; 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 or child living at home.
- (5) "Employment interest" includes any 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. (as added by Ord. #BB-591, June 2007)

**1-503. Conflict of interest.** 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. #BB-591, June 2007)

**1-504. Disclosure of personal interest.** Any official or employee who must exercise discretion relative to any matter, whether it is a voting matter or a non-voting matter, 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 when possible, should disclose the personal interest on the disclosure form and file it with the recorder. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #BB-591, June 2007)

**1-505. Acceptance of gifts and other items of value.** An official or employee or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, 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 or she would be expected to perform, or refrain from performing, in the regular course of his or her duties; or

(2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

(3) It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of municipal government officials or by an umbrella or affiliate organization of such statewide association of municipal government officials.

(4) It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screening, amenities, foodstuffs, beverages or other non-monetary items that are provided or sponsored by an organization or person if the value of such items is reasonably determined not to exceed the nominal amount; provided further, if the value of such items received is reasonably determined to exceed the nominal amount, an official or employee does not violate this policy as long as such official or employee discloses receipts of such items on the disclosure form and files the disclosure form with the recorder prior to exercising discretion relative to the matter. (as added by Ord. #BB-591, June 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. #BB-591, June 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. #BB-591, June 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 general law, or ordinance or policy of the municipality. (as added by Ord. #BB-591, June 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. #BB-591, June 2007)

**1-510. Ethics complaints.** (1) The legal firm of Jones, Hamilton and Lay PLC 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 legal firm of Jones, Hamilton and Lay PLC may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) 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.

(3) The legal firm of Jones, Hamilton and Lay PLC may request that the governing body hire another attorney, individual, or entity to act as ethics officer in a particular matter.

(4) 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 legal firm of Jones, Hamilton and Lay PLC or another individual or entity chosen by the governing body.

(5) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(6) 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. #BB-591, June 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. #BB-591, June 2007)