

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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

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, and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF COMMISSIONERS¹

SECTION

- 1-101. Elections for.
- 1-102. Time and place of regular meetings.
- 1-103. Order of business.
- 1-104. Deleted.
- 1-105. General rules of order.
- 1-106. Ordinance procedures.
- 1-107. Reimbursement of expenses for the board of commissioners.

1-101. Elections for. (1) Transition period of city elections. A transitional period from 1987 through 1989 is hereby established with terms of office for commissioners elected therein to be three years and three months more or less.

(a) The transitional term of office for two commissioners elected on the third Thursday in August of 1987 will expire upon the date of the general election in November of 1990.

(b) The transitional term of office for the three commissioners who will be elected on the third Thursday in August 1989 will expire upon the date of the general election in November of 1992.

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.

(2) Regular municipal elections. All regular municipal elections for the City of Fairview, after the transitional period, will be held biannually in November of even numbered years on the date established for general elections by Tennessee Code Annotated, § 2-1-104(24). (1973 Code, § 1-101)

1-102. Time and place of regular meetings. (1) The Board of Commissioners of the City of Fairview, Tennessee shall meet on the first and third Thursdays of each and every month. Said meetings to begin at 7:00 o'clock P.M. at the City Hall, Fairview, Tennessee.

(2) The Administration Committee, Public Safety Committee and Public Works Committee of the City of Fairview, Tennessee shall meet on the second Thursday of each and every month. Said meetings to begin at 7:00 o'clock P.M. at the City Hall, Fairview, Tennessee.

(3) The Municipal Planning Commission of the City of Fairview, Tennessee shall meet on the second Tuesday of each and every month. Said meetings to begin at 7:00 o'clock P.M. at the City Hall, Fairview, Tennessee. (1973 Code, § 1-102, as replaced by Ord. #538, Feb. 2003)

1-103. Order of business. An agenda of each meeting's business shall be prepared and distributed to each commissioner at least 3 days prior to the meeting, which shall contain the following regular order of business:

(1) Call to order.

(2) Approval of agenda.

(3) Citizen comments.

(a) The first five (5) citizens of Fairview, Tennessee who first sign the comments register will be permitted to deliver their comments to the board of commissioners.

(b) Each and every citizen will be limited to three (3) minutes to deliver their comments.

(4) Awards and recognitions.

(5) Public announcements.

(6) Approval of minutes.

(7) Old business.

(8) New business (including committee reports).

(9) City manager's report.

(10) Communications from the mayor and/or commissioners.

(11) Adjournment.

Only the items of business appearing on the distributed agenda will be considered by the board of commissioners, unless this requirement is dispensed with by the unanimous vote of those commissioners who are present and voting. Non agenda items to be considered should be announced at the time of the approval of the agenda. (1973 Code, § 1-103, as amended by Ord. #428, Feb. 1998; Ord. #452, Jan. 1999; and Ord. #541, April 2003)

1-104. Deleted. (1973 Code, § 1-104, as deleted by Ord. #542, April 2003)

1-105. 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 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. (1973 Code, § 1-105, modified)

1-106. Ordinance procedures. The procedure prescribed in Tennessee Code Annotated, § 6-20-215 shall be applicable to all ordinances within the city, except that the caption of every ordinance shall be read two (2) different days in open session before its adoption, instead of the entire ordinance, and further that a minimum of three votes shall be required to adopt any ordinance or resolution of the board of commissioners. (1973 Code, § 1-106, as amended by Ord. #374, June 1995, and Ord. #491, Feb. 2001)

1-107. Reimbursement of expenses for the board of commissioners. (1) Expenses of commissioners reimbursable. The expenses of Commissioners of the City of Fairview shall be reimbursed by the city.

(2) Specific expenses and guidelines to be set by resolution. The board of commissioners shall from time to time by resolution promulgate a specific policy of the board which shall establish guidelines for reimbursement of expenses, and which may itemize specific reimbursable expenditures.

(3) Expense forms required to be submitted. Requests for reimbursement of expenses shall be submitted on expense forms to the city manager, or his designee, and shall be disbursed within the guidelines set by the board of commissioners, on a monthly basis. (as added by Ord. #496, March 2001)

CHAPTER 2

RECORDER¹

SECTION

1-201. To be bonded.

1-202. To charge for copies of records, etc.

1-201. To be bonded. Pursuant to Tennessee Code Annotated, § 6-21-104, the recorder shall, before entering upon his duties, execute a fidelity bond in the amount of five thousand dollars (\$5,000.00), with a surety company authorized to do business in the State of Tennessee as surety.

The cost of this bond shall be paid by the City of Fairview. (1973 Code, § 1-301)

1-202. To charge for copies of records, etc. When the recorder provides copies of records, papers, and documents in his office he shall charge therefor the following fees:

- (1) For accident reports..... \$4.00
- (2) For other records, papers,
and documents..... \$.25 per page
for 1st 2 pages and
\$.10 per page for all
pages thereafter.

(1973 Code, § 1-302)

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 § 6-22-119.

CHAPTER 3**CITY MANAGER¹****SECTION**

1-301. To be bonded.

1-301. To be bonded. Pursuant to Tennessee Code Annotated, § 6-21-104, the city manager shall, before entering upon his duties, execute a fidelity bond in the amount of five thousand dollars (\$5,000.00), with a surety company authorized to do business in the State of Tennessee as surety.

The cost of this bond shall be paid by the City of Fairview. (1973 Code, § 1-201)

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 § 6-21-101.

CHAPTER 4

MAYOR¹

SECTION

1-401. Created.

1-402. Election by popular vote.

1-401. Created. Pursuant to Tennessee Code Annotated, § 6-20-202(B)(b)(2), the position on the City of Fairview, Tennessee Board of Commissioners held at the time of the adoption of Ord. #626 by Darrell Mangrum shall be changed and henceforth shall be know as the position of the Mayor of the City of Fairview, Tennessee. (as added by Ord. #626, June 2006)

1-402. Election by popular vote. The mayor shall be elected by popular vote of the citizens of Fairview, Tennessee at the election to be held in the city on November 2, 2006, and the mayor's office shall stand for election from time to time as required by Tennessee Code Annotated, § 6-20-202(B)(b)(2) and its successors. (as added by Ord. #626, June 2006)

¹Charter reference:

Election of mayor: 6-20-201

Powers of mayor: 6-20-213

Duties of mayor: 6-20-203

Compensation of mayor: 6-20-204

CHAPTER 5

CODE OF ETHICS¹

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 non-voting 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.

¹State 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.

1-501. Applicability. This chapter is the code of ethics for personnel of the City of Fairview. 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 of Fairview. The words "municipal" and "town" or "City of Fairview" include these separate entities. (as added by Ord. #663, March 2007)

1-502. Definition of "personal interest." (1) For purposes of §§ 1-503 and 1-504, "personal interest" means:

(1) 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

(2) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(3) 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. (as added by Ord. #663, March 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 himself¹ from voting on the measure. (as added by Ord. #663, March 2007)

1-504. 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

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

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. #663, March 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 City of Fairview:

(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. #663, March 2007)

1-506. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity of the City of Fairview 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 of the City of Fairview or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #663, March 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 board of commissioners to be in the best interests of the City of Fairview. (as added by Ord. #663, March 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 City of Fairview.

(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 of Fairview. (as added by Ord. #663, March 2007)

1-509. Outside employment. A full-time employee of the City of Fairview may not accept any outside employment without written authorization from the department head. (as added by Ord. #663, March 2007)

1-510. Ethics complaints. (1) The City of Fairview attorney is designated as the ethics officer for the City of Fairview, Tennessee. Upon the written request of an official or employee potentially affected by a provision of this chapter, the City of Fairview 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 of Fairview 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 of Fairview attorney may request the mayor and board of commissioners 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 City of Fairview's mayor and board of commissioners, the mayor and board of commissioners 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 determines that a complaint warrants further investigation, it shall authorize an investigation by the City of Fairview attorney or another individual or entity chosen by the mayor and board of commissioners.

(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. #663, March 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 mayor and board of commissioners. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action as outlined herein. (as added by Ord. #663, March 2007)

**City of Fairview, Tennessee
Disclosure of Personal Interest**

This form should be filled out and filed with the recorder or clerk by any municipal employee or official, except those who serve on boards or other bodies, who must exercise discretion relative to any matter and who has a personal interest in the matter. A personal interest is any financial, ownership, or financial interest in a matter to be regulated or supervised by the employee or official that could affect the employee's or official's discretion. This includes any financial, ownership, or employment interest of the employee's or official's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step-child(ren). "Employee interest" includes any situation in which the employee or official or one or more of his or her family members designated above is negotiating possible employment with a person or organization that is to be regulated or supervised by the employee or official in carrying out municipal business. Use item 1 of this form to report individual occurrences and item 2 to make a yearly report of situations that occur more than once during a calendar year.

NAME OF EMPLOYEE OR OFFICIAL: _____

1. Individual occurrence

BRIEFLY DESCRIBE THE SITUATION IN WHICH YOU MUST EXERCISE DISCRETION AND WHICH YOU HAVE A PERSONAL INTEREST THAT COULD AFFECT THAT DISCRETION:

2. Continual occurrences

FOR INDIVIDUALS, BUSINESSES, OR ENTITIES THE MUNICIPALITY WILL ENTER INTO TRANSACTIONS WITH MORE THAN ONCE EACH CALENDAR YEAR AND IN WHICH YOU HAVE A PERSONAL INTEREST, YOU MAY MAKE ONE (1) DISCLOSURE FOR THE CALENDAR YEAR BY REPORTING HERE:

Name of Individual, Business, or Entity: _____

Briefly describe the transactions that will take place between the municipality and the named entity during the calendar year in which you will exercise discretion and in which you have a personal interest that could affect the discretion:

Date: _____

Employee's or Official's Signature