

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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

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.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Time of meetings.
- 1-102. Tape recording of all board meetings.
- 1-103. Rules of procedure.

1-101. Time of meetings. (1) The regular meetings of the board of mayor and aldermen (the "board") shall be held at 6:00 P.M. the fourth Monday of each month. Provided, however, that the board may, in its discretion, reschedule any regular meetings by the majority vote of its entire membership. Any such rescheduling shall be accomplished at the regular meeting proceeding the meeting to be rescheduled. (Ord. #1, Jan. 1993, modified)

1-102. Tape recording of all board meetings. All official council meetings shall be recorded, properly identified and filed in the city recorder's office. (Ord. #1, Jan. 1993, modified)

1-103. Rules of procedure. The following is adopted as the rules and procedures for the Board of Mayor and Aldermen of the City of Harrogate (the "board").

Rule 1: 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

¹Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

- City Administrator: § 6-4-101.
- Compensation: § 6-3-109.
- Duties of Mayor: § 6-3-106.
- Election of the board: § 6-3-101.
- Oath: § 6-3-105.
- Ordinance procedure
 - Publication: § 6-2-101.
 - Readings: § 6-2-102.
- Residence requirements: § 6-3-103.
- Vacancies in office: § 6-3-107.
- Vice-Mayor: § 6-3-107.

meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code.

Rule 2: Order of business. The regular order of business shall be as follows:

- (1) Call to order by the mayor.
- (2) Invocation.
- (3) Pledge of allegiance.
- (4) Roll call by the recorder.
- (5) Approval of minutes of the previous meeting.
- (6) Communications from the mayor.
- (7) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (8) Old business.
- (9) New business.
- (10) Comments from citizens; public forum.
- (11) Adjournment.

Rule 3: Vice mayor. The board at the first regular scheduled meeting following the regular bi-annual elections of the city shall elect a vice-mayor. The vice-mayor's term shall be for a two (2) year period.

Rule 4: Broadcast television media. Rules for the radio and television broadcasting of meetings of the board shall be as follows: all licensed radio and television stations shall be eligible to broadcast or telecast meetings of the board subject to compliance with the following rules:

(a) Authority to broadcast or telecast shall be obtained by applying in writing to the mayor. No exclusive authority broadcast or telecast shall be granted to any station or stations.

(b) Sufficient equipment shall be provided by the broadcasting or telecasting station so as to insure that all board members will be heard from their respective seats. Neither personnel or equipment shall interfere with the orderly procedure of the board meetings.

Rule 5: Introduction and reading of ordinance by title and abbreviated reading. The mayor is hereby authorized and permitted at a regular or special meeting of council to introduce and read ordinances and resolutions for the board's consideration by an abbreviated reading or reference to the caption or number of such ordinance or resolution.

Rule 6: Notice of special called meetings. (a) The mayor¹ may call special meetings of the board upon adequate notice to the board and adequate public notice. The notice shall state the matters to be considered and the action of the board shall be limited to those matters submitted;

¹Charter reference

Special meetings: § 6-3-106(4)

(b) The city recorder shall post notice and make available to local media the date, hour, purpose, and place of the special meeting at least two (2) days prior to the meeting when possible. (Ord. #1, Jan. 1993, as amended by Ord. #64, April 2008, modified)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties of mayor.

1-201. Duties of mayor. (1) The mayor:

(a) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;

(b) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;

(c) (i) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability.

(ii) The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in this charter.

(d) (i) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(ii) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(e) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(f) As a member of the board, may make motions and shall have a vote on all matters coming before the board;

(g) Shall make appointments to boards and commissions as authorized by law.

(2) Unless otherwise designated by the board, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(a) (i) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

¹Charter references

Duties of mayor: § 6-3-106.

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

(ii) Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(b) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;

(c) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance; and

(d) Such other duties as may be designated or required by the board.

CHAPTER 3**RECORDER¹****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 insured and/or bonded to cover for loss or theft of money or property including faithful performance in such sum as may be fixed and as may be acceptable to, the board of mayor and aldermen. (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.

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 of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

¹Charter references

City recorder: § 6-4-201, et seq.

Recorder as treasurer: § 6-4-401(c).

CHAPTER 4

CODE OF ETHICS¹

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, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.

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.

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

1-410. Ethics complaints.

1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the City of Harrogate. 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 Harrogate. The words "city" and "City of Harrogate" include these separate entities. (Ord. #56, Dec. 2006)

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 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), 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. #56, Dec. 2006)

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 may recuse himself¹ from voting on the measure. (Ord. #56, Dec. 2006)

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

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

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. #56, Dec. 2006)

1-405. 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:

(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. #56, Dec. 2006)

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. #56, Dec. 2006)

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 city. (Ord. #56, Dec. 2006)

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 city.

(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. (Ord. #56, Dec. 2006)

1-409. Outside employment. A full-time employee of the city may not accept or continue any outside employment without written authorization from the department head. (Ord. #56, Dec. 2006)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. 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 board of mayor and aldermen 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's board of mayor and aldermen, the board of mayor and aldermen 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 of mayor and aldermen 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. #56, Dec. 2006)

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 board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #56, Dec. 2006)

CHAPTER 5

ELECTIONS

SECTION

1-501. Terms of office; election date.

1-501. Terms of office; election date. The aldermen and mayor are to be elected to four (4) year staggered terms in the November general elections. (Ord. #38, Dec. 2002, modified)