

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. TOWN COUNCIL.
2. MAYOR.
3. RECORDER.
4. DIRECTOR OF PUBLIC SAFETY.
5. PUBLIC MEETINGS.
6. RECORDS MANAGEMENT, RETENTION, AND DISPOSAL.
7. DIRECTOR OF PUBLIC WORKS.
8. DIRECTOR OF ARTS AND EVENTS.
9. CODE OF ETHICS.

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Appropriation of public funds: title 20, chapter 3.

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

Also, please note that Ord. #327, Sept. 1993, provides: "**BE IT FURTHER ORDAINED** by said Town Council that throughout the Huntingdon Municipal Code (Title 1 thru Title 20), any and/or all references to the "Police Chief", "Chief of Police" or "Chief, Police Department", and/or "Fire Chief" or "Chief, Fire Department", or other such references to the head of these departments, shall also be deemed a reference to the "Director of Public Safety"."

CHAPTER 1

TOWN COUNCIL¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Town council meeting agenda deadline.
- 1-105. Salary of councilmember.

1-101. Time and place of regular meetings. The town council shall hold regular semi-monthly meetings at 6:00 P.M. on the second Tuesday and on the fourth Tuesday of each month at the town hall. (1978 Code, § 1-101, as amended by Ord. #483, Aug. 2005)

1-102. Order of business. At each meeting of the town council, 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, members of the town council, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1978 Code, § 1-102)

¹For provisions in the charter regarding the town council, see particularly art. II. For provisions elsewhere regarding the following, see the articles or sections indicated:

- Budget--council's action on: § 4.05.
- Corporate powers: § 1.04.
- Functions and duties of town departments: § 3.01.
- Intergovernmental cooperation and contracting: art. V.
- Oath of office: § 3.08.
- Official depository--designation of: § 4.19.
- Recorder--approval of mayor's appointment: § 3.03.
- Town administrator--approval of mayor's appointment: § 3.02.
- Town attorney--appointment of: § 3.05.

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 town council 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)

1-104. Town council meeting agenda deadline. In order for the council to take action on an item of business at a council meeting, that item of business, except bills in excess of \$500.00, must be on the agenda for that meeting. In order to place an item of business on the agenda, the item of business must be presented to the recorder prior to 12:00 noon on the Friday prior to a regular council meeting. This shall not prevent the council, employees, and citizens from presenting items of business at a council meeting for discussion only. (1978 Code, § 1-104)

1-105. Salary of councilmember. Pursuant to § 2.03(b) of the town's charter, the salary of each councilmember shall be increased from \$50.00 per month, to \$100.00 per month, to be effective on and after November 5th, 1992, and subsequent to the biennial municipal elections of November 3rd, 1992. (1978 Code, § 1-105)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. To be bonded.

1-204. Mayor's salary.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1978 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the town council. (1978 Code, § 1-202)

1-203. To be bonded. The mayor shall be bonded in the sum of fifty thousand dollars (\$50,000), with such surety as may be acceptable to the town council, upon entering upon his or her term of office. The premiums for which shall be payable from the general fund. (1978 Code, § 1-203)

1-204. Mayor's salary. Pursuant to § 2.03(b) of the town's charter, the salary of the mayor shall be increased from \$500.00 per month to \$1,000.00 per month, to be effective on and after November 5th, 1992, and subsequent to the biennial municipal elections of November 3rd, 1992. (1978 Code, § 1-204)

¹Charter references

Administrative duties of mayor: § 3.02.

Appointment of employees: § 3.05.

Bond: § 3.09.

Budget--mayor to submit: § 4.02.

Centralized purchasing: § 4.07.

Control of expenditures: § 4.06.

Election: § 2.01.

Oath of office: § 3.08.

Presiding officer of town council: § 2.04.

Sale of town property: § 4.09.

Vacancy in office of mayor: § 2.06.

Veto power: § 2.05.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. Duties of the recorder.

1-301. To be bonded. The recorder shall be bonded in the sum of fifty thousand dollars (\$50,000.00), with such surety as may be acceptable to the town council, before assuming the duties of his office. The premiums for which shall be payable from the general fund. (1978 Code, § 1-301)

1-302. Duties of the recorder. In addition to those basic duties which are established by § 3.04 of the town's charter, the recorder shall be and is hereby assigned the following additional duties:

(1) Director of Finance - responsible for supervision of the department of finance, which provides the general business office for the town.

(2) Budget and Fiscal Officer - responsible for preparation and supervision of budgets for all fund accounts of the town, and the receipt, investment, disbursement and accountability for all public funds of the town.

(3) Director of Personnel - responsible for development, implementation and maintenance of the town's approved personnel management policies and procedures.

(4) Purchasing Agent - responsible for development, implementation and monitoring of the town's approved purchasing policies and procedures.

(5) Property Control Officer - responsible for monitoring the acquisition, accountability and disposal of all real and personal property of the town; the establishment and maintenance of a fixed asset and equipment inventory, and the disposition of surplus or salvage equipment.

(6) Risk Management Officer - responsible for administering the various insurance plans and programs for the town, and the monitoring of the town's safety training and programs designed to minimize the town's liability exposure.

(7) Acting recording secretary to the Huntingdon Beer Board - provides administrative support. (Ord. #361, Feb. 1995)

¹Charter references

Appointment: § 3.03.

Bond: § 3.09.

Duties: § 3.03.

Oath of office: § 3.08.

CHAPTER 4

DIRECTOR OF PUBLIC SAFETY¹

SECTION

- 1-401. Establishment of position.
- 1-402. Appointment, confirmation and term.
- 1-403. Qualifications for position.
- 1-404. Duties and responsibilities.
- 1-405. Job classification and compensation.
- 1-406. Eligibility for employment benefits.

1-401. Establishment of position. There shall be and is hereby established, effective October 1st, 1993, the position of Director of Public Safety in and for the Town of Huntingdon, Tennessee. (1978 Code, § 1-2301)

1-402. Appointment, confirmation and term. The director shall be appointed by the mayor, subject to confirmation by the town council, and shall serve an indefinite term at the will and pleasure of the mayor. However, should it be in the best interest of the town, the director may be appointed by the mayor pursuant to a written contractual agreement for such services, subject to legal review of any contracts by the town attorney, and approval of the appointment and contract terms by the town council. If such be the case, said contract shall contain all the conditions and terms of said appointment, but shall not otherwise conflict with the provisions of this chapter. (1978 Code, § 1-2302)

1-403. Qualifications for position. All applicants for this position shall possess the following minimum qualifications:

- (1) Must be thirty (30) years of age or older.
- (2) Must have a degree in criminal justice or other comparable/further advanced training such as the Tennessee Law Enforcement Academy or equivalent certification.
- (3) Must have a minimum of five (5) years of experience in law enforcement.
- (4) Must obtain certification in fire prevention within one year from date of employment.

¹Ord. #327, (Sept. 1993) states: "BE IT FURTHER ORDAINED by said Town Council that throughout the Huntingdon Municipal Code (Title 1 thru Title 20), any and/or all references to the "Police Chief", "Chief of Police" or "Chief, Police Department", and/or "Fire Chief" or "Chief, Fire Department", or other such references to the head of these departments, shall also be deemed a reference to the "Director of Public Safety"."

(5) All applicants for this position must possess the following qualifications, which are requirements for a certified law enforcement officer pursuant to Tennessee Code Annotated, § 38-8-106:

- (a) Must be a citizen of the United States;
 - (b) Must be a high school graduate or possess equivalency;
 - (c) Must not have been convicted of or plead guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances;
 - (d) Must not have been released or discharged under other than honorable conditions from any of the armed forces of the United States;
 - (e) Must have his/her fingerprints on file with the Tennessee Bureau of Investigation;
 - (f) Must pass a preemployment physical examination by a licensed physician;
 - (g) Must be of good moral character as determined by a thorough investigation conducted by the employing agency; and
 - (h) Must be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-III), of the American Psychiatric Association and be so certified by a qualified professional in the psychiatric or psychological fields prior to permanent employment.
- (6) Must be willing to submit to and pass a full background investigation prior to appointment.
- (7) Must be qualified as a disciplinarian and experienced in matters related to safety.
- (8) Must have considerable practical experience in preparation and administration of both operational and capital budgets.
- (9) Should have a good working knowledge of applicable personnel management techniques and procedures. (1978 Code, § 1-2303 as replaced by Ord. #396, Feb. 1998)

1-404. Duties and responsibilities. The director of public safety shall be responsible for the day-to-day administrative and operational oversight and supervision of all functions and activities of the fire and police departments of the Town of Huntingdon. The director shall report directly to, and be under the supervision of, the mayor. (1978 Code, § 1-2304)

1-405. Job classification and compensation. (1) A comprehensive job classification and description of duties shall be published for this position prior to the initial solicitation of applications for this position.

(2) The compensation for this position shall be initially determined by the review of the qualifications and suitability of the applicants, as recommended by the mayor and approved by the town council. Such compensation shall generally be consistent with the town's regular employee wage and salary plans. (1978 Code, § 1-2305)

1-406. Eligibility for employment benefits. By definition, the director shall be an "appointed official" rather than an "employee" of the Town of Huntingdon; however, unless otherwise provided by individual contract terms or conditions approved by the mayor and town council, the director shall be entitled to all the normal benefits of regular full-time employees of the town. (1978 Code, § 1-2306)

CHAPTER 5

PUBLIC MEETINGS

SECTION

- 1-501. Policy.
- 1-502. Authority.
- 1-503. Applicability.
- 1-504. Open meetings.
- 1-505. Governing body defined.
- 1-506. Meeting defined.
- 1-507. Notice of public meetings.
- 1-508. Minutes recorded and open to public.
- 1-509. Secret votes prohibited.
- 1-510. Actions nullified-exception.

1-501. Policy. It shall be the policy of the Town Council of the Town of Huntingdon that the formation of public policy and decisions is public business and shall not be conducted in secret, and that the active participation of the citizens of the town in the town's government is encouraged. (1978 Code, § 1-1401)

1-502. Authority. This regulation is promulgated pursuant to the provisions of § 2.03 of the charter of the Town of Huntingdon and Tennessee Code Annotated, §§ 8-44-101 through 8-44-106. (1978 Code, § 1-1402)

1-503. Applicability. The policies as hereinbelow established and ordained are applicable to all boards, commissions, and activities which are or may be created by the mayor and town council pursuant to the town's charter or other operative provisions of state or federal law.

- (1) As of January 1, 1986, these bodies are:
 - (a) Huntingdon Town Council.
 - (b) Huntingdon Beer Board.
 - (c) Huntingdon Board of Codes Adjustments and Appeals.
 - (d) Huntingdon Board of Zoning Appeals.
 - (e) Huntingdon Housing Authority.
 - (f) Huntingdon Industrial Development Board.
 - (g) Huntingdon Municipal-Regional Planning Commission.
 - (h) Huntingdon Recreation Commission.

(1978 Code, § 1-1403)

1-504. Open meetings. All meetings of any governing body of the Town of Huntingdon, Tennessee, are declared to be public meetings open to the public

at all times, except as provided by the Tennessee Constitution. [TCA §§ 8-44-101 - 106] (1978 Code, § 1-1404)

1-505. Governing body defined. "Governing body" means the members of any public body which consists of two (2) or more members, with the authority to make decisions for, or recommendations to, a public body on policy or administration. It also means a community action agency which administers community action programs under the provisions of 42 USC § 2790. [TCA § 8-44-102(b)]

Any governing body so defined by this section shall remain so defined, notwithstanding the fact that such governing body may have designated itself as a negotiation committee for collective bargaining purposes, and strategy sessions of a governing body under such circumstances shall be open to the public at all times. (1978 Code, § 1-1405)

1-506. Meeting defined. "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program. [TCA § 8-44-102(c)]

Nothing in this section shall be construed as to require a chance meeting of two (2) or more members of a public body to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part. (1978 Code, § 1-1406)

1-507. Notice of public meetings. The following procedure shall be used by all governmental bodies of the Town of Huntingdon in providing adequate public notice of public meetings:

(1) **Regular meetings.** Any such governmental body which holds a meeting previously scheduled by ordinance, resolution, or formal action of said body whereby said meeting is held at the same time/date/place at regular intervals shall publish a notice of said meetings at least once each year in the town's officially designated newspaper. The town recorder shall be responsible for publishing this public notice as a summary of all regular meetings for all governmental bodies of the town. This shall be done in January of each year. In addition, the town recorder shall maintain a public announcement board in the public lobby of the Huntingdon Municipal Building whereon all governmental bodies and their meeting times and dates shall be on public display.

(2) **Special or called meetings.** Any such governmental body meeting in special called session shall give public notice of such meetings as follows:

(a) Any such body which normally meets only "on call", as required to discharge its responsibilities, will cause a notice of the time, place and purpose of such called meeting to be published one (1) time in

a local newspaper of general circulation within the town at least seven (7) calendar days prior to the date of the meeting (the date of publication will be considered as the first day of the notice period). Further, said notice shall be furnished a local radio station; shall be posted on the bulletin board in the lobby of the Huntingdon Municipal Building, and shall be furnished all members of the body concerned and those other parties having an interest in the purpose of said meeting. The minutes of such called meeting shall contain a statement as to the purpose of such called meeting and the means public notice thereof was provided.

(b) Any such body which meets on a regular, announced basis, but which has need to meet in special or called sessions due to special circumstances, shall provide public notice of such called session not less than forty-eight (48) hours prior to the stated meeting time and date by personal, telephonic or written notification of the time, place and purpose of such meeting to a local newspaper of general circulation within the town and to a local radio station; by posting notice of same on the bulletin board in the Huntingdon Municipal Building, and by personal, telephonic or written notification to all members of the body concerned and other parties having an interest in the purpose of the meeting. The minutes of such special or called meetings shall contain a statement as to the purpose of such called meeting and the means public notice thereof was provided.

(3) Special meetings - emergency. In the event of bona fide emergencies a special session of a government body subject to this chapter may be called by its chairperson. Under these conditions, "adequate" public notice shall be construed to be given by personal or telephonic communication not less than four (4) hours prior to the meeting to both local newspapers, and both local radio stations (local meaning within Huntingdon), advising them of the time, place, date and agenda of the emergency special meeting. The minutes of all such special meetings shall reflect the cause of the emergency and the identity of those so notified.

(4) The public notice requirements of this section are in addition to, and not in substitution of, any other notices required by ordinance, resolution or by-laws of the town's governmental bodies, or by state or federal statute. (1978 Code, § 1-1407, as amended by Ord. #349, Aug. 1994)

1-508. Minutes recorded and open to public. The minutes of a meeting of any such governmental body shall be promptly and fully recorded, and shall be open to public inspection during reasonable hours. The minutes shall include, but not be limited to, a record of members present, all motions, proposals, ordinances, and resolutions offered or considered, the results of any votes taken, and a record of the individual votes in event of roll call. [TCA § 8-44-104(a)]

(1) The office of the town recorder is hereby designated as the official depository for all records of the governmental bodies of the town, not required by ordinance, resolution or law to be kept elsewhere. In those cases, an information copy of all minutes with addendums shall be filed with the town recorder for public information.

(2) Additionally, as staff personnel and space permits, the town recorder shall also provide administrative support services and records storage facilities for all such bodies. (1978 Code, § 1-1408)

1-509. Secret votes prohibited. All votes of any such governmental body shall be by public vote; public ballot or public roll call. No secret votes; secret ballots, or secret roll calls shall be allowed. As used in this chapter, "public vote" shall mean a vote in which the "aye" faction vocally expresses its will in unison and in which the "nay" faction, subsequently, vocally expresses its will in unison. [TCA § 8-44-104(b)] (1978 Code, § 1-1409)

1-510. Actions nullified - exception. Any action taken at a meeting of such bodies in violation of this chapter shall be void and of no effect, provided that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned. [TCA § 8-44-105]. (1978 Code, § 1-1410)

CHAPTER 6

RECORDS MANAGEMENT, RETENTION, AND DISPOSAL

SECTION

- 1-601. Purpose.
- 1-602. Adoption by reference of MTAS manual.
- 1-603. Appointment of records management officer.
- 1-604. Duties and responsibilities.

1-601. Purpose. The purpose of this chapter is to establish a formal records management program for the Town of Huntingdon; to designate a records management officer for said town, and to authorize the establishment of a records retention and disposal schedule therefor. (Ord. #357, Feb. 1995)

1-602. Adoption by reference of MTAS manual. Pursuant to T.C.A. § 10-7-404(b)(2), the Record Retention and Disposal Manual, April 1992 edition, as published by the Municipal Technical Advisory Service (MTAS) of the University of Tennessee, shall be and is hereby adopted by reference for use in the records management program of the Town of Huntingdon. (Ord. #357, Feb. 1995)

1-603. Appointment of records management officer. The Town Recorder of the Town of Huntingdon shall be and is hereby appointed "Records Management Officer" for said town, and shall discharge those duties normally associated with such office. (Ord. #357, Feb. 1995)

1-604. Duties and responsibilities. The records management officer shall be and is hereby authorized and directed to develop, implement and maintain a "Records Retention and Disposal Manual" for all public records required to be maintained by said town, not inconsistent with the aforesaid MTAS Manual and T.C.A. § 10-7-403 et. seq., which action shall be subject to review and approval by said town council. (Ord. #357, Feb. 1995)

CHAPTER 7

DIRECTOR OF PUBLIC WORKS

SECTION

- 1-701. Establishment of position.
- 1-702. Appointment, confirmation and term.
- 1-703. Qualifications for position.
- 1-704. Duties and responsibilities.
- 1-705. Job classification and compensation.
- 1-706. Eligibility for employment benefits.

1-701. Establishment of position. There shall be and is hereby established, effective September 1, 1996, the position of Director of Public Works in and for the Town of Huntingdon. (Ord. #382, Aug. 1996)

1-702. Appointment, confirmation and term. The director shall be appointed by the mayor, subject to confirmation by the town council, and shall serve an indefinite term at the will and pleasure of the mayor. However, should it be in the best interest of the town, the director may be appointed by the mayor pursuant to a written contractual agreement for such services, subject to legal review of any contracts by the town council. If such be the case, said contract shall contain all the conditions and terms of said appointment, but shall not otherwise conflict with the provisions of this chapter. (Ord. #382, Aug. 1996)

1-703. Qualifications for position. All applicants for this position shall possess the following minimum qualifications at the time of application:

(1) Two (2) years college education in civil engineering or related technical field is preferred. However, college work may be substituted by equivalent experience and training as approved by the mayor and council.

(2) Must have a minimum of ten (10) years progressively responsible experience in public works and public utility supervision. (Ord. #382, Aug. 1996)

1-704. Duties and responsibilities. The director of public works shall be responsible for directing the organization, planning, and co-ordination of activities relating to the Parks and Cemeteries Department, the Public Utilities Department, and the Public Works Department. The director of public works shall report directly to, and be under the supervision of the mayor.

Essential functions of the job shall include:

(1) Establishing procedures for the departments to economically and efficiently utilize personnel and equipment, including but no limited to, the area of purchasing, inventory control, equipment and facilities maintenance.

(2) Plans, schedules, and delegates work to be accomplished by supervisors and workers.

(3) Responsible for the day-to-day administrative and operational oversight and supervision of all functions and activities of the Parks and Cemeteries Department, the Public Utilities Department, and the Public Works Department. (Ord. #382, Aug. 1996)

1-705. Job classification and compensation. A comprehensive job classification and description of duties shall be published for this position prior to the initial solicitation of applications for this position.

The compensation for this position shall be initially determined by the review of the qualifications and suitability of the applicants, as recommended by the mayor and approved by the town council. Such compensation shall generally be consistent with the town's regular employee wage and salary plans. (Ord. #382, Aug. 1996)

1-706. Eligibility for employment benefits. By definition, the director shall be an "appointed official" rather than an "employee" of the Town of Huntingdon; however, unless otherwise provided by individual contract terms or conditions approved by the mayor and town council, the director shall be entitled to all the normal benefits of regular full-time employees of the town. (Ord. #382, Aug. 1996)

CHAPTER 8

DIRECTOR OF ARTS AND EVENTS

SECTION

- 1-801. Establishment of position.
- 1-802. Appointment, confirmation and term.
- 1-803. Qualifications for position.
- 1-804. Duties and responsibilities.
- 1-805. Job classification and compensation.
- 1-806. Eligibility for employment benefits.

1-801. Establishment of position. There shall be and is hereby established, effective July 1, 2005, the position of Director of Arts and Events in and for the Town of Huntingdon. (as added by Ord. #480, June 2005)

1-802. Appointment, confirmation and term. The director shall be appointed by the mayor, subject to confirmation by the town council, and shall serve an indefinite term at the will and pleasure of the mayor. However, should it be in the best interest of the town, the director may be appointed by the mayor pursuant to a written contractual agreement for such services, subject to legal review of any contracts by the town council. If such be the case, said contract shall contain all the conditions and terms of said appointment, but shall not otherwise conflict with the provisions of this chapter. (as added by Ord. #480, June 2005)

1-803. Qualifications for position. Applicants for this position shall possess the following minimum qualifications at the time of application:

- (1) A bachelor's degree in business administration with strong experience in the arts field is desired.
- (2) Must have a minimum of five (5) years progressively responsible experience in planning and co-ordination of activities relating to performing arts and events. (as added by Ord. #480, June 2005)

1-804. Duties and responsibilities. The director of arts and events shall be responsible for directing the organization, planning, and co-ordination of activities relating to the Dixie Carter Performing Arts and Academic Enrichment Center and other events of the Town of Huntingdon. The director of arts and events shall report directly to, and be under the supervision of the mayor. Essential functions of the job shall include:

- (1) Establishing policies and procedures for development and operation of the performing arts center and other events for the Town of Huntingdon.
- (2) Coordinating and scheduling all events and performances for the performing arts center.

(3) Planning and management of all activities related to performing arts center.

(4) Planning, scheduling, and delegating work to be accomplished by part-time workers.

(5) Responsibility for the day-to-day administrative and operational oversight and supervision of all functions and activities of the performing arts department. (as added by Ord. #480, June 2005)

1-805. Job classification and compensation. A comprehensive job classification and description of duties shall be published for this position prior to the initial solicitation of applicants for this position. The compensation for this position shall be initially determined by the review of the qualifications and suitability of the applicants, as recommended by the mayor and approved by the town council. Such compensation shall generally be consistent with the town's regular employee wage and salary plans. (as added by Ord. #480, June 2005)

1-806. Eligibility for employment benefits. By definition, the director shall be an "appointed official" rather than an "employee" of the Town of Huntingdon; however, unless otherwise provided by individual contract terms or conditions approved by the mayor and town council, the director shall be entitled to all the normal benefits of regular full-time employees of the town. (as added by Ord. #480, June 2005)

CHAPTER 9

CODE OF ETHICS

SECTION

- 1-901. Applicability.
- 1-902. Definitions.
- 1-903. Gift ban.
- 1-904. Gift ban exceptions.
- 1-905. Disposition of gifts.
- 1-906. Disclosure of personal interests by official with a vote.
- 1-907. Disclosure of personal interests in nonvoting matters.
- 1-908. Town recorder to maintain a disclosure file.
- 1-909. Ethics complaints.
- 1-910. Violations.
- 1-911. Town recorder to file copy of ordinance with Tennessee Ethics Commission.

1-901. 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. #499, May 2007)

1-902. Definitions. For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (1) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (2) "Immediate family" means parents, spouse and children.
- (3) "Personal interest" means:
 - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the town, or is regulated by any agency of the city; or
 - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the town has or is negotiating an acquisition, leasehold, or easement agreement;
 - (c) Any such financial or ownership interest as defined in § 1-902(4)(a) and (b) of this chapter by the officer or employee's spouse or immediate family member.

(4) "Town"/"city" means the municipality of Huntingdon, Tennessee. (as added by Ord. #499, May 2007)

1-903. Gift ban. Except as permitted in § 1-904 of this chapter, no covered official or employee, nor any immediate family member of a covered official or employee, shall intentionally or knowingly solicit or accept any gift as defined herein. (as added by Ord. #499, May 2007)

1-904. Gift ban exceptions. Section 1-903 of this chapter is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the covered officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the covered officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fund-raising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or

similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and intergovernmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (as added by Ord. #499, May 2007)

1-905. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (as added by Ord. #499, May 2007)

1-906. Disclosure of personal interests by official with a 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (as added by Ord. #499, May 2007)

1-907. Disclosure of personal interests 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

the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #499, May 2007)

1-908. Town recorder to maintain a disclosure file. The town recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of five (5) years after which the statements shall be destroyed. (as added by Ord. #499, May 2007)

1-909. Ethics complaints. (1) The town attorney is designated at the ethics officer of the town. 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 laws.

(2) Except as otherwise provided in this chapter, 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 to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this chapter. The town attorney may request that the city council retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against the mayor or a member of the town council, the town council 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 town council determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the town council.

(4) When a violation of this chapter also constitutes a violation of the town's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (as added by Ord. #499, May 2007)

1-910. 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 town charter or other applicable law and, in addition, is subject to censure by the town council. An appointed official or employee who violates any provision of this chapter is subject to disciplinary

action up to, and including, termination of employment. (as added by Ord. #499, May 2007)

1-911. Town recorder to file copy of ordinance with Tennessee Ethics Commission. Upon adoption by the board of mayor and aldermen, the town recorder is hereby directed to file a duly signed and attested copy of the ordinance comprising this chapter with the Tennessee Ethics Commission, in compliance with section 49 of Public Chapter No.1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly. (as added by Ord. #499, May 2007)