

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. CITY ADMINISTRATOR.
3. RECORDER.
4. 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

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. Elections.
- 1-102. Time and place of regular meetings.
- 1-103. Order of business.
- 1-104. General rules of order.
- 1-105. Special meetings.
- 1-106. Duties of mayor and board of aldermen.

1-101. Elections. Pursuant to Tennessee Code Annotated, § 6-3-102(b), the term of mayor and aldermen of the Town of Huntsville shall be nonstaggered four (4) year terms, effective after the next municipal election on November 4, 2008. (Ord. #92-93-03, Dec. 1992, as replaced by Ord. #07-08-02, Oct. 2007)

1-102. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 3:00 P.M. on the fourth Thursday of each month at the municipal building. (1984 Code, § 1-102, as amended by Ord. #FY 96-97-03, Jan. 1997, Ord. #11-06-01, July 2011, and Ord. #11-10-01, Nov. 2011)

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.

1-103. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (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. (1984 Code, § 1-103)

1-104. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, 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. (1984 Code, § 1-104)

1-105. Special meetings. The charter authorizes the mayor to call special meetings of the board. Special meetings shall also be called by the recorder on the written request of any two aldermen. Such written request shall state the reason for the special meeting and the action of the board shall be limited to that matter and that only. (1984 Code, § 1-105)

1-106. Duties of mayor and board of aldermen. The following duties shall be performed by both the mayor and board of aldermen: All employee concerns such as the employment (hiring), promotion, discipline measures, raises, suspension, and discharge (firing) shall be the responsibility of the board of aldermen and mayor and no action will be taken without the approval of both by majority vote, in accordance with any personnel policies and procedures that may be hereafter adopted by the board. (as added by Ord. #03-18, Oct. 2003)

CHAPTER 2

CITY ADMINISTRATOR¹

SECTION

- 1-201. Position created.
- 1-202. Qualifications and selection.
- 1-203. Tenure and compensation.
- 1-204. Duties.

1-201. Position created. There is hereby created the office and official position of city administrator. (1984 Code, § 1-201, as replaced by Ord. #04-01, Feb. 2004)

1-202. Qualifications and selection. The city administrator shall be an adult and shall be selected by a majority vote of the board of mayor and aldermen. (1984 Code, § 1-202, as replaced by Ord. #04-01, Feb. 2004)

1-203. Tenure and compensation. The city administrator shall serve at the pleasure of the board of mayor and aldermen and as provided by charter and/or agreement. The board of mayor and aldermen shall determine appropriate employee benefits and compensation of the city administrator. (as added by Ord. #04-01, Feb. 2004)

1-204. Duties. The city administrator may be responsible for any of the following duties as designated by the board of mayor and aldermen:

- (1) Administering the business of the municipality.
- (2) Make recommendations to the board for improving the quality and quantity of public services rendered by the officers and employees to the inhabitants of the Town of Huntsville.
- (3) Keeping the board of mayor and aldermen fully advised as to the conditions and needs of the Town of Huntsville informed as to departmental deficiencies especially as they related to financial conditions, budgets, schedules, cost overruns, etc.

¹Charter references

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

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

(4) Reporting to the board of mayor and aldermen corrective action taken or proposed to bring departments or special projects and outside contracts back under budget performance to schedule cost containment.

(5) Preparing reports, agendas and other information for submission by the mayor to the governing body and various groups as requested by the mayor.

(6) Preparing administrative directives and bulletins and conducts on own initiative or upon request of the mayor analyses of administrative programs and projects confronting city government operations.

(7) Making recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the citizens of the city.

(8) Coordinating and supervising all day-to-day administrative activities and operations for each department of the city under the policies of the board.

(9) Serving, consulting, cooperating, and coordinating with committees and work groups, as directed by the board of mayor and aldermen, in the administration of the affairs of the city.

(10) Recommend specific personnel positions, as may be required for needs and operations of the municipality, and proposing personnel policies and procedures for approval by the board.

(11) Administering the personnel policies, rules and regulations as adopted by the board of mayor and aldermen.

(12) Administering and coordinating all federal and/or state grants applied for and received by the city: staying abreast of grant programs and opportunities for future funds.

(13) Acting as purchasing agent for the city in accordance with purchasing policies and procedures as adopted by the board of mayor and aldermen.

(14) Performing such other duties as may from time to time be designated or required by the board of mayor and aldermen. (as added by Ord. #04-01, Feb. 2004)

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 bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1984 Code, § 1-301)

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. (1984 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 town 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 in such fireproof vault or safe as the town shall provide. (1984 Code, § 1-303)

¹Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(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.
- 1-410. Ethics complaints.
- 1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #07-02-01, March 2007)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

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 -- T.C.A. Title 2, Chapter 10.

Conflict of interests -- T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements -- T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials -- T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) -- T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information -- T.C.A. § 39-16-401 and the following sections.

Ouster law -- T.C.A. § 8-47-101 and the following sections.

(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), 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. #07-02-01, March 2007)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #07-02-01, March 2007)

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-02-01, March 2007)

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 municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

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

(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. #07-02-01, March 2007)

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-02-01, March 2007)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, 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. #07-02-01, March 2007)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #07-02-01, March 2007)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #07-02-01, March 2007)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon 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 governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation 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. #07-02-01, March 2007)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-02-01, March 2007)