

## TITLE 1

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

#### CHAPTER

1. CITY COUNCIL.
2. CITY MANAGER.
3. RECORDER.
4. DEPARTMENTS.
5. CODE OF ETHICS.

#### CHAPTER 1

### CITY COUNCIL<sup>2</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. City council in general.
- 1-105. Powers and duties of the mayor.

**1-101. Time and place of regular meetings.** The city council shall hold regular meetings on the first Monday of each month at 5:00 P.M. in the city hall. In the event that the first Monday is a holiday, the meeting shall be held on the Tuesday following the first Monday at 5:00 P.M. (1996 Code, § 1-101, as amended by Ord. #2017-07, March 2017)

**1-102. Order of business.** At each meeting of the city council, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

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<sup>1</sup>Charter references

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

Municipal code references

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

Fire department: title 7.

Zoning: title 14.

<sup>2</sup>Charter references

Qualifications: Art. IV, § 3.

Salaries: Art. IV, § 4.

- (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) Citizens' comments.
- (5) Communications from the mayor.
- (6) Reports from committees, councilmen, and other officers.
- (7) Appointments.
- (8) Acceptance of bids.
- (9) Old business.
- (10) New business.
- (11) Adjournment. (1996 Code, § 1-102, modified)

**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 city 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. (1996 Code, § 1-103, modified)

**1-104. City council in general.** The city council shall consist of the mayor and four city council members. All legislative powers and duties of the city shall rest with the city council. (1996 Code, § 1-104)

**1-105. Powers and duties of the mayor.**<sup>1</sup> (1) The mayor shall preside at all meeting of the council at which he is present, and in his absence, the vice-mayor shall preside.

(2) The mayor shall be the ceremonial head of the city, and shall be the officer upon which process against the city may be served. He shall have a vote in city council on all matters, but no veto power.

The mayor shall be the officer of the city authorized to sign all contracts and legal documents on behalf of the city, except in his absence, the vice-mayor shall sign. (1996 Code, § 1-105)

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<sup>1</sup>Charter reference

The office of mayor: Art. IV, § 6.

## CHAPTER 2

### CITY MANAGER<sup>1</sup>

#### SECTION

1-201. To be bonded.

1-202. Powers and duties.

**1-201. To be bonded.** Pursuant to section 4 of article 8 of the city's charter, the city manager shall be bonded in the sum of \$250,000.00 with a surety company authorized to do business in Tennessee as surety. This bond coverage may be accomplished through a blanket bond, and the cost of the bond shall be an expense of the city. (1996 Code, § 1-201)

**1-202. Powers and duties.**<sup>2</sup> The city manager shall be the chief administrative officer of the city; responsible to the council for the direction and administration of all offices, departments, and activities of the city. The powers and duties of the city manager shall be:

(1) To appoint, remove, or otherwise discipline all department heads and all subordinate officers and employees, all appointments to be made upon merit and fitness alone.

(2) To see that all laws and ordinances, subject to enforcement by him or by officers subject to his direction, are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted.

(3) To attend all council meetings and to have the right to take part in any discussion, but not to vote.

(4) To prepare and submit an annual operating budget and an annual capital budget update to the council at the appropriate time.

(5) To submit to the council a complete report on the financial condition of the city at the end of each fiscal year.

(6) To make such other reports on the activities of the city as the city council may require or as he sees the need for and to make such recommendations as, in his opinion, are necessary to improve the effectiveness and efficiency of the city's operations or as are needed for the overall good of the city.

(7) To act as purchasing agent for the city, purchasing all materials, supplies, and equipment needed by the city in accordance with state law and procedures established by the city council.

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<sup>1</sup>Charter reference

Appointment and removal: Art. V, § 1.

<sup>2</sup>Charter reference

Powers and duties: Art. V, § 3.

(8) To perform other duties required by the charter or the city council.  
(1996 Code, § 1-202)

## CHAPTER 3

### CITY RECORDER<sup>1</sup>

#### SECTION

1-301. To be bonded.

1-302. Fees for copies of documents.

1-303. Powers and duties.

**1-301. To be bonded.** Pursuant to section 4 of article 8 of the city's charter, the recorder shall be bonded in the sum of \$250,000.00 with a surety company authorized to do business in Tennessee as surety. This bond coverage may be accomplished through a blanket bond, and the cost of the bond shall be an expense of the city. (1996 Code, § 1-301)

**1-302. Fees for copies of documents.** Procedures for fees for obtaining copies of municipal records are as follows:

(1) Any person desiring a copy of any accident report may obtain the same by applying to the city manager or chief of police, upon payment of the fee hereinafter specified.

(2) Any person desiring a copy of any municipal record or document may have the same upon application to the recorder or city manager, upon payment of the fee hereinafter specified.

(3) The fee for a copy of an accident report shall be five (\$5.00) dollars; and, the fee for copying municipal records or documents shall be one (\$1.00) per page.

(4) Any person desiring other copies than herein specified, shall apply to the city manager, who may or may not make such copies within his sound discretion, and in the event such copies are made, then the fee therefor shall be in the sum of two (\$2.00) dollars per page. (1996 Code, § 1-302)

**1-303. Powers and duties.** The recorder shall be the head of the department of finance. He (she) shall receive a salary to be fixed by the council; he (she) shall have a seat and a voice, but no vote, in the council. He (she) shall by his (her) signature and the city seal, attest all instruments signed in the name of the city and all official acts of the mayor. He (she) shall have power to administer oaths. The powers and duties of the city recorder shall be:

(1) Shall keep minutes. It shall be the duty of the recorder to be present at all meetings of the council and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

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<sup>1</sup>Charter reference

Appointment, duties, etc.: Art. VI, §§ 1-9.

(2) Shall be custodian of public records, bonds, etc. The recorder shall have custody of and preserve in his/her office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of the council, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except his/her own bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers and documents not required by the charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

(3) Shall provide and certify copies of records, papers, etc. The recorder shall provide, and when required by any officer or person, certify copies of records, papers and documents in his/her office and charge therefor, for the use of the city, such fees as may be provided by ordinance; cause copies of ordinances to be printed, as may be directed by the council, and kept in his/her office for distribution.

(4) Shall generally supervise and keep records of fiscal affairs. The recorder as the head of the department of finance, shall exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition thereof. He/she shall be the general accountant and internal auditor of the city; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the city, and the vouchers relating to the fiscal affairs of the city, and the records in his office shall show the financial operations and condition, property, assets, claims and liability of the city, all expenditures authorized and all contracts in which the city is interested.

(5) Shall be treasurer. The recorder shall be the treasurer of the city; as such it shall be his/her duty to collect, receive and receipt for the taxes and all other revenues and bonds of the city, and the proceeds of its bond issues, and to disburse them.

(6) Shall perform any other duties imposed. The recorder shall also perform any other duties imposed upon him/her by charter or by ordinance.

(7) Appointment of recorder pro tempore. In event of the temporary absence or disability of the recorder, the city manager may by an instrument in writing appoint a recorder pro tempore who shall have and exercise all the powers of the regular recorder. (1996 Code, § 1-303)

## CHAPTER 4

### DEPARTMENTS

#### SECTION

1-401. Departments established.

1-402. Direction and supervision of departments.

**1-401. Departments established.**<sup>1</sup> The following departments of city government are hereby established:

- (1) Legislative.
- (2) Administrative.
- (3) Police.
- (4) Fire.
- (5) Utility.
- (6) Recreation.
- (7) Community development.
- (8) Codes enforcement. (1996 Code, § 1-1201)

**1-402. Direction and supervision of departments.**<sup>2</sup> All departments, except the legislative department, shall be under the supervision of the city manager. The city manager shall appoint an officer to administer the direction and supervision of each department. (1996 Code, § 1-1202)

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<sup>1</sup>Charter reference  
Departments generally: Art. VIII, § 1.

<sup>2</sup>Charter reference  
Direction and supervision of departments: Art. VIII, § 2.

## CHAPTER 5

### CODE OF ETHICS<sup>1</sup>

#### 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. Business dealings.
- 1-507. Use of information.
- 1-508. Use of municipal time, facilities, etc.
- 1-509. Use of position or authority.
- 1-510. Outside employment.
- 1-511. Ethics complaints.
- 1-512. Violations.

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<sup>1</sup>State 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 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. #2007-5, June 2007)

**1-502. Definition of "personal interest."** (1) For purposes of §§ 1-503 and 1-504, "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. (as added by Ord. #2007-5, June 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 himself<sup>1</sup> from voting on the measure. (as added by Ord. #2007-5, June 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

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<sup>1</sup>Masculine 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. #2007-5, June 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 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

(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. #2007-5, June 2007)

**1-506. Business dealings.** Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or profit, directly or indirectly, from business dealings with the city. (as added by Ord. #2007-5, June 2007)

**1-507. 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. #2007-5, June 2007)

**1-508. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #2007-5, June 2007)

**1-509. 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. #2007-5, June 2007)

**1-510. 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. #2007-5, June 2007)

**1-511. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render a written advisory ethics opinion based upon this chapter and other applicable law, and file with the city recorder.

(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. #2007-5, June 2007)

**1-512. 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. #2007-5, June 2007)