

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

1. GOVERNING BODY.
2. MAYOR.
3. RECORDER - TREASURER.
4. CITY ADMINISTRATOR.
5. CODE OF ETHICS.

CHAPTER 1

GOVERNING BODY<sup>2</sup>

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

1-101. Time and place of regular meetings. The governing body shall hold regular monthly meetings at 7:00 P.M. on the second and fourth Mondays of each month and regular monthly work sessions at 7:00 P.M. on the third Wednesday of each month at the city hall. (1963 Code, § 1-101, modified, as amended by Ord. #97-12-08-1147, Dec. 1997)

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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.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Governing authority: § 7.

Elections: § 8.

Oath of office required of city council: § 8.

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

- (1) Call to order.
- (2) Roll call.
- (3) Invocation and pledge (Please remain standing for the Pledge of Allegiance).
- (4) Amendments, changes, approval to minutes of previous meeting.
- (5) Communication from the mayor.
- (6) Reports from city council, committees (fire, police, finance reports) and other officers.
- (7) Comments from citizens concerning an item/items on the agenda (time limits may be imposed.)

AGENDA:

- (a)
- (b)
- (c)
- (8) Comments from citizens on items not on the agenda (time limits may be imposed).
- (9) Such other business that may properly come before council.
- (10) Adjournment. (1963 Code, § 1-102, modified, as amended by Ord. Page 1998-11-23-1215, Nov. 1998, and Ord. #2002-7/22-1480, July 2002)

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 governing body 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. (1963 Code, § 1-103)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall perform such duties as provided in the charter and any ordinances duly enacted by the city council consistent with the charter. (1963 Code, § 1-201, modified)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the governing body. (1963 Code, § 1-202)

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<sup>1</sup>Charter references

Governing authority; qualifications of members; quorum: § 5.

Elections; vacancy in office of city council; qualifications for voting:  
§ 7.

Oath of office required of city council; meetings of council; salaries of  
officials elected by council; policemen; sureties on bonds; city  
recorder; city treasurer: § 8.

Mayor: § 10.

## CHAPTER 3

RECORDER - TREASURER<sup>1</sup>

## 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-treasurer shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city council. (1963 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (1963 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform such other duties as provided in the charter or required by the city council, which are not assigned by the charter, this code, or the city council to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1963 Code, § 1-303, modified)

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<sup>1</sup>Charter references

City recorder; city treasurer: § 8.

City recorder and judge: § 11.

City treasurer: § 14.

## CHAPTER 4

CITY ADMINISTRATOR

## SECTION

- 1-401. Appointment, salary, removal.
- 1-402. Qualifications.
- 1-403. Powers and duties.
- 1-404. Absence.
- 1-405. Removal.

1-401. Appointment, salary, removal. The city council shall appoint and fix the salary of the city administrator, who shall serve at the will of the council. The personnel committee of the city council shall establish the experience and/or educational qualifications for the position of city administrator. After approval of such qualifications by city council, the personnel committee shall advertise the position, interview applicants and recommend an individual for the position to the city council. The city council may enter into an annual employment contract with the city administrator. Neither the mayor nor any member of the city council shall be eligible for appointment as city administrator until two (2) years has elapsed after such member shall have ceased to serve in such position. (Ord. adopted July 1994)

1-402. Qualifications. (1) Must have valid driver's license in the State of Tennessee.

(2) Membership certificate in Tennessee City Manager Association, or obtain a membership within one year.

(3) A bachelors degree in public administration or related field. Desired to have three (3) to five (5) years administrative municipal experience.

(4) Must pass a drug screen by a licensed physician. (Ord. adopted July 1994)

1-403. Powers and duties. The city administrator shall be the chief administrative officer of the city. The city administrator shall be responsible to the city council for the administration of all city affairs placed in his/her charge. The city administrator shall have the following powers and duties:

(1) To perform all duties and responsibilities of the city administrator under the civil service and personnel policies of the city.

(2) To direct and supervise the administration of all departments of the city, except as otherwise provided in the city charter or by law.

(3) To attend all council meetings or other, at which the city administrator shall have the right to take part in discussions but not to vote.

(4) To see that all laws, ordinances, provisions of the city charter and acts of the council, subject to enforcement by the city administrator or by employees subject to his/her direction and supervision, are faithfully executed.

(5) To participate in the preparation of the annual budget and capital program of city.

(6) To submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) To make such other reports as the council may require concerning the operations of city which are under the city administrator's direction and supervision.

(8) To keep the council fully advised as to the financial condition and future needs of the city and make such recommendation to the council concerning the affairs of the city as he/she deems desirable.

(9) To act as purchasing agent for the city.

(10) To perform such other duties as are delegated by the council.

(11) Ability to establish and maintain an effective working relationship with the public, employees, and city council. (Ord. adopted July 1994)

1-404. Absence. The city council may designate an officer or employee of the city as acting city administrator for the purpose of carrying out the duties and responsibilities of the position of city administrator in the event of a vacancy in the position or the temporary absence or disability of the city administrator. (Ord. adopted July 1994)

1-405. Removal. The city administrator shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any city election. The purpose of this provision is to allow any newly elected or appointed member of the city council to observe the actions and ability of the city administrator in the performance of the powers and duties of his/her office. After the expiration of said ninety (90) day period aforementioned, the city administrator may be removed only by a majority vote of the city council as then constituted. (Ord. adopted July 1994)

## CHAPTER 5

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

#### SECTION

- 1-501. Applicability.
- 1-502. Definitions of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in nonvoting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations.
- 1-512. Notification.
- 1-513. Interlocal agreements.

**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

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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:

- (1) Campaign finance - T.C.A. Title 2, Chapter 10.
- (2) Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102.
- (3) Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.
- (4) Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124.
- (5) 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.
- (6) Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.
- (7) Ouster law - T.C.A. § 8-47-101 and the following sections.
- (8) A brief synopsis of each of these laws appears in the appendix of the municipal code.

"municipal" and "municipality" include these separate entities. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-502. Definitions 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), stepparent(s), grandparents(s), sibling(s), child(ren), or stepchild(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. #2007-05-14-1773-A, May 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 him/herself from voting. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-504. Disclosure of personal interest 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 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 him/herself from the exercise of discretion in the matter. (as added by Ord. #2007-05-14-1773-A, May 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/she would be expected to perform, or refrain from performing, in the regular course of his/her duties; or

(2) That might reasonably be interpreted as an attempt to influence his/her action, or reward him/her for past action, in executing municipal business. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-506. Use of information.** (1) An official or employee may not disclose any information obtained in his/her 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/her official capacity or position of employment with the intent to result in financial gain for him/herself or any other person or entity. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-507. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to him/herself.

(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. #2007-05-14-1773-A, May 2007)

**1-508. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his/her position to secure any privilege or exemption for him/herself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-509. 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. #2007-05-14-1773-A, May 2007)

**1-510. 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 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/her own initiative when he/she 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 that the governing body hire another attorney, individual, or entity to act as ethics officer when he/she 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 a violation of this code of ethics. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-511. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-512. Notification.** The city recorder is authorized and directed to notify in writing the Tennessee Ethics Commission that the City of Lenoir City has adopted the Municipal Technical Advisory Service's model code of ethics. (as added by Ord. #2007-05-14-1773-A, May 2007)

**1-513. Interlocal agreements.** The city manager is authorized and directed to notify the governmental entities that have entered into an interlocal agreement with the City of Lenoir City of the adoption of this chapter and prepare in cooperation with appropriate representatives of these governmental

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entities the requisite amendments to the respective interlocal agreements. (as added by Ord. #2007-05-14-1773-A, May 2007)