

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY ADMINISTRATOR.
4. FINANCE DIRECTOR.
5. LENGTH OF SERVICE ON CITY COMMISSIONS, ETC.
6. INSPECTION OF PUBLIC RECORDS.
7. TOBACCO PROHIBITED.
8. CODE OF ETHICS.
9. [DELETED.]

**CHAPTER 1**

**BOARD OF MAYOR AND ALDERMEN<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. Safety committee.
- 1-105. Street committee.
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- 1-108. Compensation of mayor and aldermen.
- 1-109. Insurance committee.
- 1-110. Policies and procedures committee.

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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 reference: § 5.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings at 6:30 P.M. on the first Tuesday of each month at the city hall. (1972 Code, § 1-101, as amended by Ord. #1628, Sept. 2021 *Ch21\_07-05-22*)

**1-102. 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 finance director.
- (3) Reading of minutes of the previous meeting by the finance director 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. (1972 Code, § 1-102, as amended by Ord. #808, Jan. 1998)

**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 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. (1972 Code, § 1-103, modified)

**1-104. Safety committee.** There is hereby created a committee to be known as the "safety committee" consisting of three (3) aldermen. The mayor shall be an ex officio member. The committee's duties shall be to have general supervision of the police department, fire department, codes and health department and other safety agencies of the City of Manchester pursuant to the policies set forth by the board of mayor and aldermen.

The three (3) members of the safety committee shall be elected by the board of mayor and aldermen who shall further designate one (1) of the members so elected as chairman of the committee. The election shall be made at the first regular meeting in September of each year by the board of mayor and aldermen.

The safety committee shall be charged with preparing, studying, and recommending to the board of mayor and aldermen all necessary traffic and parking rules and regulations. The committee shall from time to time recommend such changes as are necessary in the interest of safety and the protection of lives and property. The committee shall report to the board of mayor and aldermen from time to time on the condition of the police department, fire department, codes and health department and other safety agencies of the city.

Nothing contained herein shall be construed to be in derogation of the executive duties and powers of the mayor as granted under the charter of the city. (1972 Code, § 1-104, as amended by Ord. #889, July 2000, Ord. #986, May 2002, and Ord. #1003, Aug. 2002)

**1-105. Street committee.** There is hereby created a street committee to be composed of three (3) aldermen with the mayor as an ex officio member. The members of the street committee shall be appointed at the same time, appointed and organized in the same manner, and for the same term as provided in § 1-104 for members of the safety committee. The street committee shall handle all matters relating to streets, drainage, refuse and street lights in the same manner as the safety committee handles matters relating to safety agencies of the city. (1972 Code, § 1-105, as amended by Ord. #1362, March 2013)

**1-106. Finance committee.** There is hereby created a finance committee to be composed of three (3) aldermen with the mayor as an ex officio member. The members of the finance committee shall be appointed at the same time, appointed and organized in the same manner, and for the same term as provided in § 1-104 for members of the safety committee. The finance committee shall handle all matters relating to finance and information systems in the same manner as the safety committee handles matters relating to safety agencies of the city. (1972 Code, § 1-106, as amended by Ord. #1391, Sept. 2013)

**1-107. [Repealed.]** (1972 Code, § 1-107, as repealed by Ord. #1362, March 2013)

**1-108. Compensation of mayor and aldermen.** The mayor shall be compensated ninety-six hundred dollars (\$9,600.00) per year, payable in equal monthly installments, and the aldermen shall be compensated three thousand dollars (\$3,000.00) per year, payable in equal monthly installments. (1972 Code, § 1-108)

**1-109. Insurance committee.** There is hereby created an insurance committee to be composed of the mayor, the personnel officer, the chairman of the finance committee and the finance director as ex officio members. The members of the insurance committee shall serve concurrently with their terms of office or employment. The insurance committee shall be the final determiner of all appeals involving employee insurance benefits and any other matters pertaining to the Insurance Plan for the City of Manchester.

Beginning with fiscal year 2021, the insurance committee will establish specifications for all insurance coverage for which bids are sought. The insurance committee shall hire a consultant knowledgeable in insurance matters pertaining to municipalities to help prepare the bid package and, in the discretion of the committee, evaluate the bids submitted. Any consultant or

organization affiliated with the consultant employed by or advising the committee shall be ineligible to bid on coverage about which such consultant advised the city. (as added by Ord. #955, Oct. 2001, and amended by Ord. #984, May 2002, Ord. #1047, Nov. 2003, and Ord. #1597, July 2020 *Ch21\_07-05-22*)

**1-110. Policies and procedures committee.** There is established a Policies and Procedures Committee for the City of Manchester. The committee's membership shall include, as voting members, the mayor; two (2) members of the board of mayor and aldermen and two (2) residents of the City of Manchester. The term for aldermen appointed to the committee shall be for one (1) year commencing on the first Tuesday of September of each year. The term of the city residents shall be four (4) years. The initial appointments shall be for staggered terms of four (4) and two (2) years. The city's finance director, human resources director and city attorney shall be ex officio members of the committee but shall not be entitled to vote. The committee shall meet monthly or as determined by the mayor. Each September the committee shall select from its members a chairman and secretary, who may be non-voting members. The committee shall periodically review all policies and procedures of the city and make recommendations to the board of mayor and aldermen concerning the addition, deletion and/or modifications of policies. These recommendations shall be reported to the board of mayor and aldermen no less frequently than quarterly. (as added by Ord. #1352, Dec. 2012, and replaced by Ord. #1604, Oct. 2020 *Ch21\_07-05-22*)

**CHAPTER 2****MAYOR**<sup>1</sup>**SECTION**

1-201. General duties.

1-202. Executes city's contracts.

1-203. Authorized to enter "mutual aid interlocal cooperation agreements."

**1-201. General duties.** The mayor shall have general supervision of all affairs of the city and may require such reports from the various officers and employees of the city as he may reasonably deem necessary to carry out his executive duties. (1972 Code, § 1-201, as replaced by Ord. #890, July 2000, and Ord. #980, April 2002)

**1-202. Executes city's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1972 Code, § 1-202)

**1-203. Authorized to enter "mutual aid interlocal cooperation agreements."** The mayor of the City of Manchester, Tennessee, is authorized and empowered to enter into "mutual aid interlocal cooperation agreements" on behalf of the City of Manchester, Tennessee. (1972 Code, § 1-203)

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<sup>1</sup>Charter reference: § 5.

## CHAPTER 3

### CITY ADMINISTRATOR

#### SECTION

- 1-301. Position created.
- 1-302. Qualifications and selection.
- 1-303. Tenure and compensation.
- 1-304. Duties.

**1-301. Position created.** There is hereby created the office and official position of city administrator. (1972 Code, § 1-301)

**1-302. Qualifications and selection.** The city administrator shall be a graduate of an accredited college or university with a master's degree in public administration, political science, business administration or a closely related field, and shall have a minimum of five (5) years experience as a city administrator or manager of a public agency or department with related duties, or have an equivalent combination of education and experience. (1972 Code, § 1-302, as replaced by Ord. #887, June 2000)

**1-303. Tenure and compensation.** The city administrator shall be an officer of the city and serve at the will of the board of mayor and aldermen as provided by charter. The board of mayor and aldermen shall determine appropriate employee benefits and compensation of the city administrator. Nothing in this section shall prohibit the board of mayor and aldermen from entering into an employment agreement or contract for the position of city administrator. (1972 Code, § 1-303, as amended by Ord. #752, Dec. 1995)

**1-304. Duties.** The city administrator shall be responsible for the following duties:

- (1) Assisting the mayor and city recorder in the preparation and administration of the city budget and development of a five (5) year capital budget plan.
- (2) Assisting the mayor, as directed, in overall operation of the city and monitors the performance of all departments with relative to budgets and schedules, recommending corrective action where necessary.
- (3) Keeping the board of mayor and alderman informed as to departmental deficiencies specially as they related to financial conditions, budgets, schedules, cost overruns, etc.
- (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 of 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.

(15) Evaluate department heads annually each January.

(16) Keeping the board of mayor and aldermen fully advised as to the conditions and needs of the city.

(17) Reporting to the board of mayor and aldermen the condition of all city equipment, buildings and facilities and real estate; making recommendations regarding repairs, replacement and improvements needed.

(18) Making recommendations to the board of mayor and aldermen on policies and procedures for an efficient business-like operation of city government.

(19) Recommending to the board of mayor and aldermen the priority of programs or projects involving public works, public improvements or public safety that should be undertaken by the city.

(20) Working cooperatively with other areas of government including: neighboring cities, counties, state and federal levels, as well as local community groups.

(21) Communicating regularly with the governing body, staff and public.

(22) Monitoring and making recommendations when appropriate to the board of mayor and aldermen on new legislative initiatives at the local, state and federal levels.

(23) Working closely with the mayor, chamber of commerce, business, industry, the industrial development board and others to enhance industrial, economic and community development.

(24) Seeing that all laws and ordinances are enforced, and upon knowledge or information of any violation, seeing that prosecutions are initiated in city court.

(25) Making recommendations to the board of mayor and aldermen for department head appointments, promotions, demotions, suspension, transfers or disciplinary procedures.

(26) Making recommendations to the appropriate committees or commissions regarding promoting, demoting, suspending, transferring or disciplining employees who are not department heads.

(27) Attending all meetings of the board of mayor and aldermen, with the right to take part in discussion, but not vote.

(28) Keeping the board of mayor and aldermen advised of the city's financial condition.

(29) Performing other duties as directed by the board of mayor and aldermen. (1972 Code, § 1-304, as amended by Ord. #752, Dec. 1995; and Ord. #858, Oct. 1999; replaced by Ord. #887, June 2000, and Ord. #990, June 2002, and amended by Ord. #1053, March 2004)



## CHAPTER 4

### FINANCE DIRECTOR<sup>1</sup>

#### SECTION

- 1-401. Position created.
- 1-402. Qualifications and selection.
- 1-403. Tenure and compensation.
- 1-404. Duties.

**1-401. Position created.** There is hereby created the office and official position of finance director. (Ord. #776, Dec. 1996)

**1-402. Qualifications and selection.** The finance director shall possess or meet all qualifications required by state law. The board of mayor and aldermen may, by resolution, adopt additional qualifications as it deems advisable. The finance director shall be selected by a majority vote of the entire membership of the board of mayor and aldermen. (Ord. #776, Dec. 1996, as replaced by Ord. #1359, Feb. 2013)

**1-403. Tenure and compensation.** The finance director shall be an officer of the city and serve at the will of the board of mayor and aldermen as provided by charter. The board of mayor and aldermen shall determine appropriate employee benefits and compensation of the finance director. (Ord. #776, Dec. 1996)

**1-404. Duties.** The finance director shall be responsible for the following duties:

- (1) Assisting the city administrator in the preparation and administration of the city budget and development of a five (5) year capital budget plan.
- (2) Assisting the city administrator, as directed, in overall operation of all departments budget activities and schedules, recommending corrective action as necessary.
- (3) Keeping the city administrator informed as to departmental deficiencies as they relate to departmental financial conditions, budgets, schedules, cost overruns, etc.
- (4) Preparing reports, agendas and other information for submission to the city administrator.

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<sup>1</sup>Charter reference: § 11.

(5) Preparing budget directives and bulletins and conducting on his own initiative or upon the request of the city administrator analyses of financial programs and their impact on the financial condition of the city.

(6) Coordinating and supervising all day to day financial activities and operations for each department of the city under the policies of the municipality.

(7) Plan, develop, implement and manage the municipal accounting and record keeping system and procedures to ensure the accurate and effective accounting of funds, including responsibility for purchasing, budgeting, cash disbursements, payroll, petty cash, bonds and interest, federal and state aid, drug funds, capital projects, escrow accounts, checks, bank transfers and other.

(8) Manage cash control systems to ensure that all available city revenue is collected and protected.

(9) Manage cash flow to ensure that the city can meet normal financial operational obligations.

(10) Analyze the financial abilities of the city and prevailing market conditions and advise the board of mayor and aldermen on appropriate methods to finance capital improvements by issuing bonds, borrowing money and/or using other financial reserves.

(11) Overseeing all accounting and auditing methods, procedures and financial transactions to ensure the compliance with appropriate procedures.

(12) Evaluating available insurance and risk management coverages to recommend and obtain suitable routine and catastrophic protection for the city.  
(Ord. #776, Dec. 1996)

## CHAPTER 5

### LENGTH OF SERVICE ON CITY COMMISSIONS, ETC.<sup>1</sup>

#### SECTION

1-501. Service on more than one commission, committee or board.

1-502. Citizen application forms.

**1-501. Service on more than one commission, committee or board.**

No person other than a member of the Manchester board of mayor and aldermen shall serve concurrently on more than one commission, committee, or board, with the exception that any person now serving on more than one commission, committee, or board may continue service until present terms expire. (1972 Code, § 1-2104, as renumbered by Ord. #963, Dec. 2001)

**1-502. Citizen application forms.**

Citizens requesting appointment to city commissions, committees, or boards shall fill out an application form, approved by the board of mayor and aldermen and available from the finance director. The completed form shall be kept on file with the finance director and shall be reviewed by the board of mayor and aldermen before filling vacancies on any commission, committee or board. All applicants shall be given a fair and equal consideration for appointment. Completed form shall be kept on file for 2 years from date on application. At the time any vacancy occurs on any city commission, committee or board, copies of all applications currently on file for a position on the commission, committee or board where the vacancy has occurred shall be provided to each member of the board of mayor and aldermen. (1972 Code, § 1-2105, as amended by Ord. #808, Jan. 1998, renumbered by Ord. #963, Dec. 2001, and amended by Ord. #1340, Oct. 2012)

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<sup>1</sup>Ord. #963, Dec. 2001 repealed §§ 1-501--1-503 which regulated the length of service on city commissioners, committees, and boards; and renumbered the remaining sections of the chapter.

## CHAPTER 6

### INSPECTION OF PUBLIC RECORDS

#### SECTION

- 1-601. Procedure for accessing and copying public records.
- 1-602. Schedule of reasonable charges.
- 1-603. Labor charges.
- 1-604. Charges for aggregated requests.

**1-601. Procedure for accessing and copying public records.** In order to protect the integrity and organization of public records with respect to the manner in which those records are inspected or copied, the following procedures must be followed:

(1) All inspections shall be under the supervision of employees of the City of Manchester and copying of records shall be performed by employees of the City of Manchester.

(2) Requests for inspection or copying of records shall be made in writing on a form provided by the City of Manchester.

(3) The request for inspection or copying shall be completed by the person requesting the record, and the city may require or demand reasonable identification of the person making that request.

(4) Hours for making requests for inspection or copying records shall be the regular office hours for city hall.

(5) The cost of copying records shall be as follows:

- (a) Accident, policy or fire reports. . . . . \$5.00
- (b) Copy of all business licenses . . . . . 15.00
- (c) All other documents, per page. . . . . .25

(6) Removal of original records from city hall is prohibited. (Ord. #798, Oct. 1997)

**1-602. Schedule of reasonable charges.** (1) For each 8 1/2" x 11" or 8 1/2" x 14" black and white copy - \$0.15 per page; for each 8 1/2" x 11" or 8 1/2" x 14" color copy - \$0.50 per page. If front and back copies are produced, charges for two (2) separate pages are imposed.

(2) A requestor may request that a color record be copied in black and white. In that event, the black and white charges apply.

(3) For copies produced in other media, the city shall charge its actual cost in preparing the copies.

(4) For documents produced on flash drives or other storage devices, the actual out-of-pocket cost of the storage device shall be charged. These devices must be provided by the city. The requester is not permitted to attach any electronic device to city equipment.

(5) In the event a record must be printed to be redacted, the per page charges set forth above apply regardless of the format in which the records are ultimately delivered.

(6) If a requestor chooses not to personally retrieve records and the actual cost of delivering the copies, in addition to any other permitted charges, have been paid by the requestor or otherwise waived pursuant to the public records policy, then the city is obligated to deliver the copies via USPS First-Class Mail. It is within the discretion of the city to agree to deliver copies of records through other means, including electronically and to assess the costs related to such delivery.

(7) If it is not practicable or feasible for the city to produce copies internally, the city may use an outside vendor and charge the costs to the requestor.

(8) If the city is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the city may recover from the requestor the costs assessed for retrieval. (as added by Ord. #1535, June 2017)

**1-603. Labor charges.** The city will attempt to use the employee paid at the lowest practicable hourly wage to fulfill public records requests for copies consistent with fulfilling its duties to produce documents subject to disclosure; redact appropriate information and keep confidential that information made confidential by statute.

(1) "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting and reproducing records.

(2) "Labor threshold" is the first (1st) hour of labor reasonably necessary to produce requested material(s).

(3) Charges are made for all labor exceeding the threshold. For the purpose of calculation of labor, the city may aggregate multiple or frequent requests made by a single requestor or multiple requestors if the city determines they are acting in concert with each other or as the agents of another person, entity or organization.

(4) Aggregation shall be applied to four (4) or more requests in each calendar month. This is the "aggregation threshold."

(5) Aggregation shall be applied to all requests made to the city, which encompasses all of its departments, committees, boards and commissions. (as added by Ord. #1535, June 2017)

**1-604. Charges for aggregated requests.** (1) Once a requestor reaches the aggregation threshold, the records custodian is no longer required to deduct the labor threshold set forth in the schedule of reasonable charges or any other minimum charge per request threshold that would ordinarily be waived.

(2) When the aggregation threshold is met, a records custodian choosing to aggregate requests must inform the requestor(s) of the determination to aggregate and of the right of the requestor(s) to appeal the records custodian's decision to aggregate to the OORC.

(3) Requests for current records that are routinely released and readily accessible, such as agendas or meeting minutes, are exempt from this policy.

(4) Disputes regarding aggregation shall be brought to the OORC.

(5) The city's records custodian may in his or her discretion waive charges for de minimis requests, those involving little time and/or fewer than ten (10) pages.

(6) No records shall be delivered until all charges (copies, labor, media and mailing) are paid in full.

(7) This schedule shall not apply to charges for records and documents for which a different charge is specified by Tennessee Code, the provisions of which shall control. (as added by Ord. #1535, June 2017)

**CHAPTER 7**

**TOBACCO PROHIBITED**

**SECTION**

1-701. Tobacco prohibited.

**1-701. Tobacco prohibited.** Tobacco use of any kind is prohibited on all City of Manchester property, except in designated smoking areas; however, smokeless tobacco use by employees may be permitted by the respective department heads as long as it is confined to areas such that it does not interfere with the department's purpose.

No tobacco use of any kind is permitted in any city vehicle or enclosed equipment. (as added by Ord. #970, Feb. 2002, and replaced by Ord. #1409, Feb. 2014)

## CHAPTER 8

### CODE OF ETHICS

#### SECTION

- 1-801. Applicability.
- 1-802. Definition of "personal interest."
- 1-803. Disclosure of personal interest by official with vote.
- 1-804. Disclosure of personal interest in non-voting matters.
- 1-805. Acceptance of gratuities.
- 1-806. Use of information.
- 1-807. Use of municipal time, facilities, etc.
- 1-808. Use of position or authority.
- 1-809. Ethics complaints.
- 1-810. Violations.

**1-801. Applicability.** This chapter is the code of ethics for personnel of the City of Manchester. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the City of Manchester. (as added by Ord. #1170, June 2007)

**1-802. Definition of "personal interest."** (1) For purposes of §§ 1-803 and 1-804, "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 immediate family, as defined by § 4-201(18).

(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. #1170, June 2007)

**1-803. 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 from voting on the measure. (as added by Ord. #1170, June 2007)

**1-804. 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 finance director. 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. #1170, June 2007)

**1-805. Acceptance of gratuities.** An officer or employee of the city may not directly accept any money, gift, gratuity, or other consideration or a favor of any kind with a monetary value in excess of one thousand dollars (\$1,000.00) for the performance of an act, or refraining from the performance of an act in the regular course of his duties which might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business, subject to these exceptions:

(1) Items donated directly to the city or a department of city government that might result in an indirect benefit to an officer or employee (such as Christmas cookies or gifts to give as door prizes) are exempt from this section.

(2) Gifts or gratuities or any other favors with a monetary value of less than twenty-five dollars (\$25.00) are exempt from this section.

(3) Gifts or gratuities or any other favors with a monetary value in excess of twenty-five dollars (\$25.00) but less than one thousand dollars (\$1,000.00) are permitted, but the officer or employee accepting the gift, gratuity or favor must report it in writing to his department head and to the city attorney within twenty-four (24) hours after it is received. (as added by Ord. #1170, June 2007)

**1-806. 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. #1170, June 2007)

**1-807. 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. (as added by Ord. #1170, June 2007)

**1-808. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #1170, June 2007)

**1-809. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the board of mayor and aldermen to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

(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 the violation shall be dealt with as a

violation of the personnel provisions rather than as a violation of this code of ethics. (as added by Ord. #1170, June 2007)

**1-810. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #1170, June 2007)

**CHAPTER 9**

**[DELETED]**

(as added by Ord. #1286, Nov. 2010, and deleted by Ord. #1337, Sept. 2012)