

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. RECORDER.
3. CITY MANAGER.
4. CODE OF ETHICS.

¹Charter reference

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

Municipal code references

Building and plumbing: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF COMMISSIONERS¹

SECTION

- 1-101. City elections.
- 1-102. Regular meetings.
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- 1-104. Work sessions.
- 1-105. Journal of proceedings.
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1-101. City elections. Regular Maynardville city elections for city commissioners shall be called by the Union County Election Commission and held on the fourth Tuesday of June in each even numbered year. (2001 Code, § 1-101)

¹Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

- Appointment and removal of city judge: § 6-21-501.
- Appointment and removal of city manager: § 6-21-101.
- Compensation of city attorney: § 6-21-202.
- Creation and combination of departments: § 6-21-302.
- Subordinate officers and employees: § 6-21-102.
- Taxation
 - Power to levy taxes: § 6-22-108.
 - Change tax due dates: § 6-22-113.
 - Power to sue to collect taxes: § 6-22-115.
- Removal of mayor and commissioners: § 6-20-220.

1-102. Regular meetings. (1) All regular meetings of the board of commissioners of the city shall be open to the public, unless closed pursuant to state law.

(2) The board of commissioners shall hold regular monthly meetings at 7:00 P.M. on the second Tuesday of each month in the commission chambers at city hall. In the event any regular meeting of the board of commissioners falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding Tuesday that is not a holiday.

(3) Any meeting of the board of commissioners may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.

(4) All regular meetings of the board of commissioners shall be held in the commission chambers at the city hall.

(5) The board of commissioners may, when necessary, change the time and place of a regularly scheduled meeting. The board shall set forth the circumstances necessitating such change. Twenty-four (24) hours prior to the meeting to be held pursuant to such change, the city recorder shall give each commissioner written notice, personally or by registered mail, of any change from the regular meeting days established by this section. (Ord. #213, March 2003, modified)

1-103. Special meetings. (1) The mayor or city recorder shall call special meetings of the board of commissioners upon at least twelve (12) hours written notice to each commissioner whenever the mayor, city manager or any two or more commissioners are of the opinion that the welfare of the city demands it.

(2) Whenever a special meeting shall be called, a notice in writing signed by the mayor or city recorder shall be filed with the city recorder and served upon each member of the board of commissioners, the city manager, city recorder and city attorney and served either in person or by notice left such person's place of residence or by other electronic means stating the date and hour of the meeting and the purpose for which such special meeting is called, and no business shall be transacted at such special meeting except such as is stated in the notice. (Ord. #213, March 2003)

1-104. Work sessions. The board of commissioners may meet informally in work or study sessions which shall be open to the general public at the call of the mayor or any two (2) members of the commission to review forthcoming programs of the city, receive progress reports on current programs or projects, or receive other similar information from the mayor, city recorder, city attorney or consultants to the city, provided that all discussions and conclusions thereon shall be informal. (Ord. #213, March 2003, modified)

1-105. Journal of proceedings. (1) A journal of all proceedings of the board of commissioners shall be kept by the city recorder and shall be entered in a book constituting the official record of the commission.

(2) The journal of proceedings shall be open to public inspection, except for proceedings of closed meetings as permitted by state law. (Ord. #213, March 2003)

1-106. Presiding officer. (1) The mayor shall preserve strict order and decorum at all regular and special meetings of the commission and confine members in debates to the question under discussion.

(2) The mayor shall state every question coming before the commission, announce the decision of the commission on all subjects and decide all questions of order, subject, however, to an appeal to the commission, in which event a majority vote of the commission shall govern and conclusively determine such question of order.

(3) The mayor shall have the right vote on all questions.

(4) The mayor shall sign all ordinances and resolutions adopted by the commission during his presence. In the absence of the mayor, the presiding officer shall sign such ordinances and resolutions as are adopted. (Ord. #213, March 2003, as amended by Ord. #223, Nov. 2003, modified)

1-107. Quorum. Three (3) members of the commission shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named in the minutes and may adjourn from day to day, and may compel the attendance of the absentees in such manner and under such penalties as the board may provide. (Ord. #213, March 2003, modified)

1-108. Rules of order. The rules of order and parliamentary procedure contained in Roberts Rules of Order Newly Revised shall govern the proceedings of the commission in all cases, unless they are in conflict with this ordinance. (Ord. #213, March 2003, modified)

1-109. Order of business. Promptly at the hour set on the day of each regular meeting, the members of the commission shall take their regular stations in the commission chambers, and the business of the commission shall be taken up for consideration and disposition in the following order:

- (1) Roll call;
- (2) Approval of minutes of previous meeting;
- (3) Citizen comments;
- (4) Unfinished business;
- (5) New business;
- (6) Report from the city manager;
- (7) Report from the city attorney;

- (8) Report from the city engineer;
- (9) Reports from committees, commission members and other officers;
- (10) Adjournment. (Ord. #213, March 2003, modified)

1-110. Agenda. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the commission for consideration shall be delivered to the city recorder at least ninety-six (96) business hours prior to each commission meeting. Whereupon the city recorder shall immediately arrange a list of such matters according to the order of business and furnish each member of the commission, the mayor, and the city attorney with a copy of the same at least twenty-four (24) hours prior to the commission meeting and as far in advance of the meeting as time for preparation will permit. (Ord. #213, March 2003, modified)

1-111. Manner of addressing the commission--time limit. Each person addressing the commission shall step to the podium in front of the rail, shall give his name and address in an audible tone of voice for the record, and unless further time is granted by the commission, shall limit his address to three (3) minutes (Ord. #213, March 2003, modified)

1-112. Ordinances, resolutions, motions and contract. (1) All ordinances shall be prepared and presented to the board of commissioners in printed, electronic, and/or typewritten form.

(2) All ordinances, resolutions and contract documents shall, before presentation to the commission, have been approved as to form by the city attorney.

(3) The city recorder shall prepare copies of all proposed ordinances for distribution to all members of the commission before the commission meeting at which the ordinance is to be introduced. If the ordinance carries an emergency clause, copies of the ordinance must be distributed prior to or during the meeting of the commission at which said ordinance is to be considered.

(4) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one week shall elapse between first and second readings. An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in the case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency. The unanimous vote of all members of the board of commissioners present shall be required to pass an emergency ordinance.

(5) An affirmative vote of at least a majority of the members of the commission shall be necessary to pass an ordinance, resolution, motion or any other proposition. When any vote is called, each commission member shall respond "yes (aye)," "no" "abstain," or "pass." Any commission member who

responds "pass" shall be given an opportunity at the end of the roll call to change his vote to "yes," "no," or "abstain." Any "pass" response not so changed shall be reported as an abstention.

(6) In the event a tie in votes on any motion, the motion shall be considered lost.

(7) Upon final passage, a number shall be assigned to each ordinance or resolution by the city recorder.

(8) When passed by the commission, an ordinance shall be signed by the presiding officer and be attested by the city recorder and approved as to form by the city attorney; and it shall be immediately filed and thereafter preserved in the office of the city recorder. (Ord. #213, March 2003, modified)

CHAPTER 2

RECORDER¹

SECTION

- 1-201. Appointment.
- 1-202. Duties of city recorder--generally.
- 1-203. To be bonded.
- 1-204. To charge for copies of records, etc.

1-201. Appointment. There shall be a city recorder who also serves as finance director and shall be appointed by the city manager. (Ord. #208, Sept. 2002, modified)

1-202. Duties of the city recorder--generally. (1) The city recorder's duties are those specified in part 4 of chapter 21 of the city's charter.

(2) Exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all of the city's property, assets and claims, and the disposition of such property, assets and claims;

(3) Require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to the city manager by the several officers and departments of the city, including all deputies and employees in the city manager's office charged with the collection, or expenditure of money, and shall control and audit the same;

(4) Cause an efficient uniform system of accounting for the city to be installed and maintained;

(5) Cause forms used in connection with either the receipt or disbursement of city funds to be numbered consecutively, and shall account for all spoiled or unused forms;

(6) To maintain an inventory provided by department heads of all city's property in accord with sound accounting and property management standards;

(7) Develop and maintain a system for the issuance, recording and administration of licenses and permits;

(8) Carry out such other duties and tasks as may be required by law, ordinance or resolution;

¹Charter reference

For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly § 6-22-119.

(9) The city recorder shall perform such other duties and carry out such tasks as may be required by law, ordinance of the actions or directives of the city manager or the board of commissioners. (Ord. #208, Sept. 2002, modified)

1-203. To be bonded. Pursuant to Tennessee Code Annotated, § 6-21-104, the recorder shall, before entering upon her duties, execute a fidelity bond in an amount deemed appropriate by the commission, with a surety company authorized to do business in the State of Tennessee as surety.

The cost of this bond shall be paid by the City of Maynardville. (2001 Code, § 1-201, modified)

1-204. To charge for copies of records, etc. When the recorder provides copies of records, papers, and documents in her office she shall charge in accordance to the Office of Open Records Council (OORC) fee schedule:

- (10) For accident reports \$1.00
- (11) For other records, papers, and documents \$.25 per page
for 1st 2 pages and
\$.10 per page for
all pages thereafter.

(2001 Code, § 1-202, modified)

CHAPTER 3**CITY MANAGER**¹**SECTION**

1-301. Duties and powers.

1-301. Duties and powers. The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes, and shall perform all other duties required of him pursuant to the charter.

¹Charter references

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701, 6-21-704 and 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-303.

Supervision of departments: § 6-21-303.

CHAPTER 4

CODE OF ETHICS

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.
- 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 City of Maynardville ("city"). The words "city," "municipal" and "municipality" include these separate entities. (Ord. #0-2006-04, Sept. 2006)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "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. (Ord. #0-2006-04, Sept. 2006)

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. (Ord. #0-2006-04, Sept. 2006)

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. (Ord. #0-2006-04, Sept. 2006)

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #0-2006-04, Sept. 2006)

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. (Ord. #0-2006-04, Sept. 2006)

1-407. 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.

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

(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. (Ord. #0-2006-04, Sept. 2006)

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. (Ord. #0-2006-04, Sept. 2006)

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. (Ord. #0-2006-04, Sept. 2006)

1-410. 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 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. (Ord. #0-2006-04, Sept. 2006)

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. (Ord. #0-2006-04, Sept. 2006)