

**TITLE 1**

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

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CODE OF ETHICS.

**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. Fiscal year.
- 1-105. Elections; terms of office.

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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, and gas inspectors: title 12.  
Zoning: title 14.

<sup>2</sup>Charter references

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

- City Administrator: § 6-4-101.
- Compensation: § 6-3-109.
- Duties of Mayor: § 6-3-106.
- Election of the board: § 6-3-101.
- Oath: § 6-3-105.
- Ordinance procedure
  - Publication: § 6-2-101.
  - Readings: § 6-2-102.
- Residence requirements: § 6-3-103.
- Vacancies in office: § 6-3-107.
- Vice-Mayor: § 6-3-107.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular meetings at 7:00 P.M. on the second Tuesday of each month at the Family Center, 2522 Highway 49 East, Pleasant View, Tennessee 37146. (Ord. #97-17, Dec. 1997, as amended by Ord. #98-9B, Nov. 1998)

**1-102. Order of business.** At each regular meeting of the board of mayor and aldermen, the following 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 city recorder.
- (3) Prayer, as designated by the mayor.
- (4) Pledge of Allegiance.
- (5) Consideration of minutes of the previous meeting, and approval or correction.
- (6) Approval of the agenda for the evening.
- (7) Public forum.
- (8) Communications from the mayor.
- (9) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (10) Old business.
- (11) New business.
- (12) Other business.
- (13) Adjournment. (Ord. #03-06, June 2003, as amended by Ord. #04-22, Jan. 2005)

**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. (Ord. #96-1, Oct. 1996)

**1-104. Fiscal year.** The fiscal year for all operations of the Town of Pleasant View shall be a twelve (12) month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. (Ord. #96-2, Oct. 1996)

**1-105. Elections; terms of office.** (1) Regular municipal elections shall be conducted on the first Tuesday after the first Monday in November in even numbered years, with the first such election being held on November 3, 1998.

(2) The members of the first board of mayor and aldermen elected on October 1, 1996, shall serve their respective two (2) or four (4) year term for

which elected and until their successors are elected and qualified in an election held in accordance with the provisions of the town charter and this section.

(3) In accordance with the provisions of Tennessee Code Annotated, § 6-3-101, the number of aldermen is increased from two (2) to four (4). The increase in the number of aldermen shall be accomplished as follows:

(a) For the 2006 municipal election the citizens of the Town of Pleasant View, Tennessee will elect one (1) alderman to fill an unexpired two (2) year term and two (2) aldermen to fill four (4) year terms.

(b) The two (2) aldermen receiving the two (2) highest numbers of votes shall be elected for four (4) year terms of office, which shall expire in November, 2010, or until the successors are elected and qualified.

(c) The aldermen receiving the third highest number of votes shall be elected for an unexpired two (2) year term of office, which shall expire in November, 2008, or until the successors are elected and qualified. (Ord. #96-6, Nov. 1996, as amended by Ord. #98-2, April 1998, and Ord. #06-13, July 2006)

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

1-201. Term of office.

**1-201. Term of office.** The mayor shall be elected for a four (4) year term of office, which shall expire in November 2004, or until the successor is elected and qualified. (Ord. #98-2, April 1998)

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<sup>1</sup>Charter references

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

Duties of mayor: § 6-3-106.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

## CHAPTER 3

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

#### SECTION

- 1-301. Applicability.
- 1-302. Definition of "personal interest."
- 1-303. Disclosure of personal interest by official with vote.
- 1-304. Disclosure of personal interest in non-voting matters.
- 1-305. Acceptance of gratuities, etc.
- 1-306. Use of information.
- 1-307. Use of municipal time, facilities, etc.
- 1-308. Use of position or authority.
- 1-309. Outside employment.
- 1-310. Ethics complaints.
- 1-311. 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.

**1-301. Applicability.** This chapter is the code of ethics for personnel of the Town of Pleasant View. 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 town. The words "municipal" and "town" or "Town of Pleasant View" include these separate entities. (as added by Ord. #07-02, May 2007)

**1-302. Definition of "personal interest."** (1) For purposes of §§ 1-303 and 1-304, "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. #07-02, May 2007)

**1-303. 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. #07-02, May 2007)

**1-304. 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. #07-02, May 2007)

**1-305. 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 town:

(4) 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

(5) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #07-02, May 2007)

**1-306. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

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

**1-307. 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 board of aldermen to be in the best interests of the town. (as added by Ord. #07-02, May 2007)

**1-308. 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 town.

(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 town. (as added by Ord. #07-02, May 2007)

**1-309. Outside employment.** A full-time employee of the town may not accept any outside employment without written authorization from the department head. (as added by Ord. #07-02, May 2007)

**1-310. Ethics complaints.** (1) The city attorney is designated as the

ethics officer of the town. 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 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 town's board of aldermen, the board of aldermen 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 board of 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 or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #07-02, May 2007)

**1-311. 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 aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-02, May 2007)