TITLE 1

GENERAL ADMINISTRATION

CHAPTER
1. BOARD OF COMMISSIONERS.
2. ADMINISTRATIVE ORGANIZATION.
3. CODE OF ETHICS.

CHAPTER 1

BOARD OF COMMISSIONERS

SECTION

1Charter reference
For other and more detailed provisions relating to the administration, officers and personnel, see the city charter, particularly chapters 20, 21 and 22.
Municipal code references
Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Water and sewers: title 18.
City manager; miscellaneous powers: title 20, chapter 10.

2Charter reference
For provisions in the charter with respect to the board of commissioners, generally, 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: § 6-2120.
Appointment and removal of city manager: § 6-2101.
Compensation of city attorney: § 6-2110.
Creation and combination of departments: § 6-2111.
Subordinate officers and employees: § 6-2102.
Taxation
Power to levy taxes: § 6-2108.
Change tax due dates: § 6-2214.
Removal of mayor and commissioners: § 6-2032.
1-101. Elections. (1) All elections for the office of city commissioner shall be held on the second (2nd) Tuesday in June of each election year as follows:

(a) Districts II and V: City commissioners from Districts II and V shall be elected on the second (2nd) Tuesday in June, 1957, and on the same day in each fourth (4th) year thereafter.

(b) Districts I, III and IV: City commissioners from Districts I, III and IV shall be elected on the second (2nd) Tuesday of June, 1959, and on the same day in each fourth (4th) year thereafter.

(2) All elections held hereunder shall be conducted by the board of election commissioners of Hamilton County, Tennessee, in accordance with the general laws of the State of Tennessee. The city shall be liable for and shall pay all costs of the elections which are properly chargeable to the city under the laws of the State of Tennessee in such cases.

(3) The city manager shall make all the necessary arrangements with the board of election commissioners of Hamilton County, Tennessee, for the holding of all elections hereunder. (1975 Code, § 1-101)

1-102. Election precincts. The city shall be divided into three election precincts which shall have the following boundaries:

(1) First precinct: Bounded on the north by the present line of the White Oak Precinct, and on the east, south, and west, by the corporate limits of the City of Red Bank, Tennessee.

(2) Second precinct: Beginning at the point where the northern line of the present White Oak Precinct intersects the eastern line of the corporate limits of the City of Red Bank, Tennessee; thence northwardly along the corporate limit line of the City of Red Bank, Tennessee to the center line of Ashland Terrace; thence westwardly along the center line of Ashland Terrace to the center line of Dayton Boulevard; thence southwardly along the center line of Dayton Boulevard to the point where the center line of Morrison Springs Road, as extended, intersects the center line of Dayton Boulevard; thence westwardly along the center line of Morrison Springs Road to the corporate limit line of the City of Red Bank, Tennessee; thence with said corporate line southwardly to the point where it intersects the northern line of the present White Oak Precinct; thence eastwardly with the present northern line of the White Oak Precinct to the point of beginning.

(3) Third precinct: Beginning at the point where the center line of Morrison Springs Road intersects the western line of the corporate limits of the
City of Red Bank, Tennessee; thence northwardly, eastwardly, and southwardly, with said corporate limit line around the northern end of said city and back to the center line of Ashland Terrace where it intersects the eastern corporate limit line; thence westwardly with the northern line of the second precinct heretofore described to the point of beginning. (1975 Code, § 1-101.1)

1-103. **Time and place of regular meetings.** The board of commissioners shall hold regular semi-monthly meetings at 7:00 P.M. on the first and third Tuesdays of each month at the city hall, 3117 Dayton Boulevard, Red Bank, Tennessee. (1975 Code, § 1-102, as amended by Ord. #05-907, Aug. 2005)

1-104. **Order of business.** At each meeting of the board of commissioners, the following regular order of business shall be observed:

1. Call to order.
2. Roll call.
3. Invocation.
4. Pledge of Allegiance.
5. Consideration of the minutes for approval or correction.
6. Communication from the mayor.
7. Commissioner's report.
8. City manager report.
11. Citizen comments.

The board of commissioners may, upon motion duly made, seconded and approved, vary the order of business from time to time as the requirements of the board of commissioners and the best interest of the citizens of the City of Red Bank may require. (1975 Code, § 1-103, as replaced by Ord. #15-1019, Feb. 2015)

1-105. **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 commissioners 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. (1975 Code, § 1-104, modified)

1-106. **Compensation for mayor and commissioners.** (1) A monthly salary of $200.00 per month is established for each of the commissioners and shall be paid from the general fund.

(2) A monthly salary of $300.00 per month is established for the mayor and shall be paid from the general fund.
(3) The monthly salary shall be paid, in arrears, for each month that the mayor and/or, as is applicable, each commissioner in question is in office on the first day of the preceding month. No mayor or commissioner shall receive monthly compensation for any such month in which he is not regularly and properly in office on the first day of the month at issue.

(4) The first month for which compensation shall be paid is established to be the month of July 1, 2001. (as added by Ord. #01-836, April 2001)
CHAPTER 2

ADMINISTRATIVE ORGANIZATION

SECTION
1-201. Generally.
1-203. Bonding of deputy recorders.
1-204. Regulations prescribed by recorder.
1-205. Assistant city manager, powers, duties.

1-201. Generally. Except as otherwise authorized by state law and expressly provided in this code, the city shall generally be organized with such officers, departments, and personnel as are provided for in the municipal charter with the city manager serving as the over-all administrative head of the municipal government under the direction and supervision of the board of commissioners. (1975 Code, § 1-201)

1-202. Designation of deputy recorders. The city recorder may designate, as his deputies, for the purpose of collecting and receipting for fines paid voluntarily by offenders who elect not to appear in city court, where such election is permissible under this code, such employees of the city as the recorder may deem necessary. (1975 Code, § 1-202)

1-203. Bonding of deputy recorders. No person shall be designated as a deputy recorder unless and until such person is covered with an adequate surety or fidelity bond, issued by an insurance company licensed in the State of Tennessee, in such sum as may be prescribed by the city recorder, not, however, less than $5,000.00. (1975 Code, § 1-203)

1-204. Regulations prescribed by recorder. The city recorder shall prescribe such rules and regulations as he may deem necessary for the operation of such deputy recorders and for the accounting of the money collected and received by them. (1975 Code, § 1-204)

1 Municipal code reference
   Gas and electricity: title 19.
   Sewage disposal: title 18.
   Telephone service: title 20.
   Water service: title 18.

2 Charter reference
   City manager, officers, and employees: §§ 6-2101--6-2143.
1-205. **Assistant city manager, powers, duties.** (1) There shall be hereby created the position of assistant city manager with such person to serve in such capacities and to have such responsibilities as shall hereafter be prescribed or assigned by the city manager, but to have, in any event, all the rights, powers and authority of the city manager to act for and in the city manager's place and stead in the event of the city manager's absence and unavailability and/or illness and unavailability, disability or death.

(2) Such assistant city manager shall be accorded such title and such responsibilities upon appointment by the city manager.

(3) In the event of the death or resignation of the city manager then in office, the assistant city manager shall serve in the place and stead of the city manager until an interim city manager shall be named by the board of commissioners or, failing which, until the office of city manager shall otherwise be filled; however, during such time the assistant city manager may be removed from such position and from such duties and responsibilities by the board of commissioners with or without cause.

(4) The compensation of any such person, serving in such position, and with such responsibilities shall be in such amounts as shall from time to time be approved by the board of commissioners. (1975 Code, § 1-205)
CHAPTER 3

CODE OF ETHICS

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.

1-301. 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 those separate entities. (as added by Ord. #07-923, April 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. #07-923, April 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\(^1\) from voting on the measure. (as added by Ord. #07-923, April 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 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. #07-923, April 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 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. #07-923, April 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. #07-923, April 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.

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\(^1\)Masculine 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. (as added by Ord. #07-923, April 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 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. #07-923, April 2007)

**1-309. 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. #07-923, April 2007)

**1-310. 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. (as added by Ord. #07-923, April 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 governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-923, April 2007)