

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. DELEGATED DUTIES.
5. CODE OF ETHICS.

¹Charter 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.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Wards.
- 1-105. Number and election of commissioners and mayor.
- 1-106. Date of elections and terms of office.
- 1-107. Quorum.

1-101. Time and place of regular meetings. During the months of Daylight Saving Time, the board of mayor and aldermen shall hold regular monthly meetings at 7:30 P.M. on the second Monday of each month at the town hall. During the remainder of the of the year the meeting time shall be 7:00 P.M. (1992 Code, § 1-101)

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 recorder;

¹Charter 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.

- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction;
- (4) Grievances from citizens;
- (5) Communications from the mayor;
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers;
- (7) Old business;
- (8) New business;
- (9) Adjournment. (1992 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, 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. (1992 Code, § 1-103)

1-104. Wards. (1) The municipality shall consist of one (1) ward.
 (2) For the purpose of holding municipal elections, only one polling place shall be used, which shall be the polling place designated by the Hawkins County Election Commission for the purpose of holding general elections. (1992 Code, § 1-104)

1-105. Number and election of commissioners and mayor. (1) The officers of the municipality shall consist of a mayor and six (6) aldermen, who shall be elected at large from the municipality. Of the candidates for mayor, the person receiving the largest number of votes shall be elected. Of the candidates for alderman, the six (6) persons receiving the largest number of votes shall be elected. In case of a tie for the office of mayor and/or alderman, a run-off election shall be held.

(2) The terms of the mayor and aldermen elected on the 12th day of January, 1991 shall be extended to the date of the regular general election in November, 1994, which date is the first Tuesday after the first Monday in November, 1994, or until their successors are elected and qualified.

(3) At the municipal election held on the first Tuesday after the first Monday in November, 1994:

(a) The mayor shall be elected for a term of four (4) years, or until his successor is elected and qualified;

(b) The three aldermen receiving the highest number of votes shall be elected for terms of four (4) years or until their successors are elected and qualified; and

(c) The three aldermen receiving the lowest number of votes shall be elected for terms of two (2) years or until their successors are elected and qualified.

(4) At each and every municipal election following the election held on the first Tuesday after the first Monday in November, 1994, the terms of the mayor and/or the aldermen elected to office in that particular election shall be four (4) years or until their successors are elected and qualified. (1992 Code, § 1-105)

1-106. Date of elections and terms of office. An election for the offices of mayor and aldermen of the municipality shall be held in conjunction with the general election as set by the Hawkins County Election Commission. The officers elected shall serve for a term of four (4) years and until their successors are duly elected. (1992 Code, § 1-106)

1-107. Quorum. At any meeting of the board of mayor and aldermen, a majority of the members shall constitute a quorum, which shall be required for the transaction of business. (1992 Code, § 1-107)

CHAPTER 2

MAYOR¹

SECTION

1-201. Mayor to run day to day business.

1-202. Executes town's contracts.

1-203. Voting rights.

1-204. Purchasing limits.

1-201. Mayor to run day to day business. The Mayor of the Town of Surgoinsville shall run the day to day business, with extreme actions to be done on a temporary basis, also noting any insubordination by employees could be grounds for immediate dismissal, until the next scheduled meeting of the board of mayor and aldermen. (Ord. #43-2005, Jan. 2005)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1992 Code, § 1-202)

1-203. Voting rights. The mayor shall have a right to vote on matters before the board. (1992 Code, § 1-203)

1-204. Purchasing limits. The mayor shall not make major purchases in excess of five hundred dollars (\$500.00) until a vote is taken by the board of mayor and aldermen. (Ord. #43-2005, Jan. 2005)

¹Charter 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:

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

CHAPTER 3

RECORDER¹

SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To perform general administrative duties, etc.
- 1-304. Appointment.
- 1-305. Ordinance numbering, etc.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1992 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1992 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1992 Code, § 1-303)

1-304. Appointment. The recorder shall be appointed by the board of mayor and aldermen for an indefinite term, serving at the will and pleasure of the board. (1992 Code, § 1-304)

1-305. Ordinance numbering, etc. Ordinances having their final readings and/or first considered in a meeting held in and after the year 2000 A.D. will be assigned a consecutive number by the town recorder beginning with the number, 0-2001, and thereafter the numbers in order. Proposed ordinances will be referred to in the minute book by the assigned caption. Those proposed ordinances that have passed first reading will likewise be referred to by their caption. Those ordinances which have passed on two (2) separate readings and review by the board of mayor and alderman will be assigned the appropriate

¹Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

number by the recorder at the conclusion of the voting. (Ord. #10-2001, Sept. 2001)

CHAPTER 4

DELEGATED DUTIES

SECTION

- 1-401. Recorder to perform administrative duties.
- 1-402. Recorder to fill position of treasurer.
- 1-403. Recorder as purchasing agent.
- 1-404. Finance director to prepare annual budget.
- 1-405. Board of mayor and aldermen to manage personnel.
- 1-406. Maintenance and street superintendents' duties.
- 1-407. Public safety officer's duties.
- 1-408. Public relations officer's duties.
- 1-409. Recreation officer to act as liaison.

1-401. Recorder to perform administrative duties. The administrative duties set forth in Tennessee Code Annotated, § 6-4-101, shall be performed by the recorder. (1992 Code, § 1-401)

1-402. Recorder to fill position of treasurer. The recorder shall also fill the position of treasurer for the Town of Surgoinsville. (1992 Code, § 1-402)

1-403. Finance director to prepare annual budget. The finance director shall prepare and submit the annual budget and capital program to the board for its adoption by ordinance. (1992 Code, § 1-404)

1-404. Board of mayor and aldermen to manage personnel. The board of mayor and aldermen shall employ, promote, discipline, suspend, and discharge all employees and department heads, in accordance with personnel policies and procedures, if any are adopted by the board of mayor and aldermen. (1992 Code, § 1-405)

1-405. Maintenance and street superintendents' duties. The maintenance and street superintendents shall oversee all functions of the maintenance and street departments. (1992 Code, § 1-406)

1-406. Public safety officer's duties. The public safety officer shall be responsible for reporting all street light problems as well as other areas of concern involving general public safety. (1992 Code, § 1-407)

1-407. Public relations officer's duties. The public relations officer shall oversee matters concerning the betterment of relations of the Town of Surgoinsville with the general public. (1992 Code, § 1-408)

1-408. Recreation officer to act as liaison. The recreation officer shall act as liaison between board of mayor and aldermen and parks and recreation organization. (1992 Code, § 1-409)

CHAPTER 5

CODE OF ETHICS¹

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting 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.

¹State 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.

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

1-510. Ethics complaints.

1-511. Violations.

1-501. Applicability. This chapter is the code of ethics for personnel of the Town of Surgoinsville. 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 of Surgoinsville" include these separate entities. (Ord. #61-2007, May 2007)

1-502. Definition of "personal interest." (1) For the purposes used hereafter, "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. #61-2007, 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 himself¹ from voting on the measure. (Ord. #61-2007, May 2007)

1-504. 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

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

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. #61-2007, 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 town:

(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. #61-2007, May 2007)

1-506. 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. #61-2007, 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 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 town board of mayor and aldermen to be in the best interests of the town. (Ord. #61-2007, 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 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. (Ord. #61-2007, May 2007)

1-509. Outside employment. A full-time employee of the town may not accept any outside employment without written authorization from the mayor. (Ord. #61-2007, May 2007)

1-510. Ethics complaints. (1) The town 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 town 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 town 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 town attorney may request the town 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 town board of mayor and aldermen, the town board of mayor and 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 town board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the town 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 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. #61-2007, 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 town's charter or other applicable law, and in addition is subject to censure by the town board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #61-2007, May 2007)