

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND COMMISSIONERS.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND COMMISSIONERS²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation of mayor and commissioners.

1-101. Time and place of regular meetings. The board of mayor and commissioners shall hold regular monthly meetings at a consistent time set by ordinance by the board of mayor and commissioners on the second Tuesday of each month at 6:00 P.M. at the city hall. (2005 Code, § 1-101, modified)

1-102. Order of business. The city administrator shall furnish the board of mayor and commissioners a copy of the agenda for all regular meetings, including old business and new business no later than the Thursday next

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, and gas inspectors: title 12.
 Fire department: title 7.
 Utilities: titles 18 and 19.
 Wastewater treatment: title 18.
 Zoning: title 14.

²Charter references

Election: art. 2, § 1.
 Meetings: art. 2, § 7
 Qualifications and compensation: art. 2, § 2.
 Vacancy in office of mayor or commissioner: art. 2, § 5.

preceding said regular meeting. At each meeting of the board of mayor and commissioners, 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.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Comments from citizens.
- (5) Communications from the mayor.
- (6) Reports from commissioners and other officers, committees, and boards.
- (7) Old business.
- (8) New business (a minimum five (5) day notice shall be required for all items to come before regular meetings of the board with the exception of those items deemed to be an emergency).
- (9) Adjournment. (2005 Code, § 1-102, modified)

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 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. (2005 Code, § 1-103)

1-104. Compensation of mayor and commissioners. The compensation of the mayor shall be six hundred dollars (\$600.00) per month and the compensation of each commissioner shall be four hundred dollars (\$400.00) per month.¹ (Ord. #730, May 2012)

¹Charter references

Legislative department: art. 2, § 2.

CHAPTER 2**MAYOR¹****SECTION**

1-201. Executes city's contracts.

1-202. Civil emergency powers.

1-201. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and commissioners. (2005 Code, § 1-201)

1-202. Civil emergency powers. Whenever the mayor proclaims a civil emergency pursuant to *Tennessee Code Annotated*, §§ 38-9-101, *et seq.*, any person violating the provisions of orders issued by the mayor, including curfew orders and other restrictive orders as set forth in the above statute, shall be guilty of a misdemeanor. (2005 Code, § 1-202)

¹Charter references

Composition, election and tenure: art. 2, § 1.

Mayor and recorder to sign warrants, etc.: art. 3, § 11.

Powers and duties: art. 2, § 4.

Qualifications and compensation: art. 2, § 2.

Vacancy in office: art. 2, § 5.

CHAPTER 3**RECORDER¹****SECTION**

- 1-301. To be bonded.
1-302. To keep minutes, etc.
1-303. Recorder's duties, 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 commissioners. (2005 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (2005 Code, § 1-302)

1-303. Recorder's duties, etc. The city recorder shall be the general accountant of the city and as such it shall be the city recorder's duty to receive and preserve in his office all accounts, books, vouchers, papers, etc., relating to the accounts and contracts of the city, its debts, revenues and other fiscal affairs. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (2005 Code, § 1-303)

¹Charter references

Appointment: art. 3, § 7.

Duties: art. 3, § 9.

Recorder to be general accountant: art. 3, § 8.

Recorder to be property custodian, record minutes and keep all city records: art. 3, § 12.

Recorder to collect taxes: art. 3, § 10.

Recorder and mayor to sign warrants, etc.: art. 3, § 11.

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, etc.
- 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 and penalty.

1-401. Applicability. This chapter is the code of ethics for personnel of the City of South Pittsburg. 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 South Pittsburg. The words "City of South Pittsburg" include these separate entities. (2005 Code, § 1-401)

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;
- (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. (2005 Code, § 1-402)

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. (2005 Code, § 1-403)

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. (2005 Code, § 1-404)

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 City of South Pittsburg:

(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. (2005 Code, § 1-405)

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. (2005 Code, § 1-406)

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.

(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

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

lease that is determine by the governing body to be in the best interests of the City of South Pittsburg. (2005 Code, § 1-407)

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 City of South Pittsburg.

(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 of South Pittsburg. (2005 Code, § 1-408)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonable inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the City of South Pittsburg's charter or any ordinance or policy. (2005 Code, § 1-409)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the City of South Pittsburg. Upon 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 City of South Pittsburg'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. (2005 Code, § 1-411)

1-411. Violations and penalty. 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 City of South Pittsburg'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. (2005 Code, § 1-411)