

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER.
4. TREASURER.
5. DISPOSAL OF TOWN PROPERTY.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF COMMISSIONERS<sup>2</sup>

SECTION

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

1-101. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 7:00 P.M. on the first Monday of each month at the town hall.

1-102. Order of business. At each meeting of the board of 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) Grievances from citizens.

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<sup>1</sup>Municipal code references

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Residency requirements of members of board: Sec. 3.

Duties of mayor: Sec. 6.

- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of commissioners, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

Agenda items should be submitted to the town recorder by the Tuesday preceding the regular meeting on the first Monday. Groups wishing to express the same opinion or concern regarding an issue should select one spokesperson for the group.

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 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.

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Executes town's contracts.

1-202. Appointment of committees.

1-201. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of commissioners.

1-202. Appointment of committees. The mayor shall appoint such committees as he deems necessary for the orderly general supervision of municipal affairs. The mayor shall appoint from the committee's membership one person to chair the respective committee.

Said committee chairperson shall report to the board of commissioners when requested by any member of that board as to the status of the activities of that committee. (Ord. # 1977-1, § 1, modified)

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<sup>1</sup>Charter references  
Duties of mayor: Sec. 6.

## CHAPTER 3

RECORDER<sup>1</sup>

## SECTION

1-301. Generally supervises town's affairs.

1-302. To be bonded.

1-303. To perform general administrative duties, etc.

1-301. Generally supervises town's affairs. The town recorder shall have supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his responsibilities.

1-302. To be bonded. The recorder shall be bonded in such sum as the board of commissioners may determine, with surety approved by resolution of the board of commissioners. (Ord. # 1977-1, § 3)

1-303. To perform general administrative duties, etc. The town recorder shall perform all administrative duties of the Town of Graysville not expressly assigned by the charter or other ordinances to another officer of the Town of Graysville. Specifically, the town recorder shall:

(1) have custody and possession of all town correspondence, records, bonds, contracts, papers, and town court records;

(2) perform all other duties assigned to him by resolution of the board of commissioners. (Ord. # 1977-1, § 3, as amended by Ord. # 1982-2; and replaced by Ord. #95-2, Sept. 1995)

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<sup>1</sup>Charter references

Appointment: Sec. 13.

Oath of office: Sec. 7.

Bonds: Sec. 9.

Municipal code reference

See section 4-101, Employment of town personnel.

## CHAPTER 4

SECRETARY/TREASURER

## SECTION

1-401. Bonding.

1-402. Administrative duties.

1-403. To keep minutes, etc.

1-401. Bonding. The secretary/treasurer shall be bonded in such sum as the board of commissioners may determine, with a surety approved by resolution by the board of commissioners. (Ord. # 1977-1, § 4)

1-402. Administrative duties. The secretary/treasurer shall keep all financial records of the Town of Graysville; prepare a financial statement for the town each month and present it at the regularly scheduled meeting of the board of commissioners; accept application for employment from all applying individuals; prepare an agenda for all meetings of the board of commissioners, and perform all other duties assigned to her by the board of commissioners. (Ord. # 1977-1, § 4)

1-403. To keep minutes, etc. The secretary/treasurer shall keep the minutes of all meetings of the board of commissioners at which he is at attendance and shall preserve the original copy of all ordinances in a separate ordinance book. (Ord. # 1977-1, § 3, modified)

## CHAPTER 5

DISPOSAL OF TOWN PROPERTY

## SECTION

1-501. Applicability.

1-502. Donations.

1-503. Other disposals of personalty.

1-501. Applicability. The provisions of this chapter shall apply to all personalty of the town which is no longer being used for said town and which is to be sold, donated, destroyed, or otherwise rendered unusable for its original or any other reasonable purpose. This definition shall include all or portions of any improvements or fixtures. (Ord. # 1979-8, § 1)

1-502. Donations. Proposed donation of any personalty of the town shall be approved prior to said disposal by motion of the board of commissioners. (Ord. # 1979-8, § 2)

1-503. Other disposals of personalty. When a department head determines that there is surplus equipment or material within the department, he or she shall notify the town recorder in writing of any such equipment or materials. The town recorder will determine the best method of disposal of those items with an estimated value of less than one hundred dollars (\$100) and instruct the department head as to the disposal method. Items with an estimated value of one hundred dollars (\$100) or more shall be advertised and bids received by the town recorder after approval by the board of commissioners. Such equipment or material shall be sold to the highest bidder. However, the town recorder may transfer surplus equipment or material from one department to another. The secretary/treasurer shall be notified of any such transfer or sales. With approval of the board of commissioners, equipment or material may be sold at public auction.

CHAPTER 6

CODE OF ETHICS<sup>1</sup>

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

1-601. Applicability. This chapter is the code of ethics for personnel of the Town of Graysville. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those

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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 - T.C.A. Title 2, Chapter 10.

Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.

Ouster law - T.C.A. § 8-47-101 and the following sections.

of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the Town of Graysville. The words "Town of Graysville" include these separate entities. (as added by Ord. #1246, Jan. 2007)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "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(@), 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. #1246, Jan. 2007)

1-603. 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. #1246, Jan. 2007)

1-604. 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. #1246, Jan. 2007)

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

1-605. 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 of Graysville:

(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. #1246, Jan. 2007)

1-606. 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. #1246, Jan. 2007)

1-607. 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 governing body to be in the best interests of the Town of Graysville. (as added by Ord. #1246, Jan. 2007)

1-608. 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 of Graysville.

(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 of Graysville. (as added by Ord. #1246, Jan. 2007)

1-609. 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 Town of Graysville's charter or any ordinance or policy. (as added by Ord. #1246, Jan. 2007)

1-610. Ethics complaints. (1) The city attorney is designated as the ethics officer of the Town of Graysville. 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 Town of Graysville'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. #1246, Jan. 2007)

1-611. 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 of Graysville'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. #1246, Jan. 2007)