

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

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

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

SECTION

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

1-101. Time and place of regular board meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 p.m. on the second Tuesday of each month at the town hall. (Code of 1977, § 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 board:

- (1) The meeting will be called to order by the mayor.
- (2) The roll will be called by the recorder.
- (3) The minutes of the previous meeting will be read by the recorder and acted upon by the board.
- (4) The board will hear communications from the mayor.
- (5) The board will hear reports from committees, aldermen and other officers.
- (6) The board will dispose of old business.
- (7) The board will consider new business.
- (8) The meeting will be adjourned. (Code of 1977, § 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

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<sup>1</sup>See sections 3, 6, and 8, of the charter for Election of Mayor and Aldermen, Miscellaneous Powers, Etc.

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 special rules in the town's charter or adopted by the board and set out in this code. (Code of 1977, § 1-103)

1-104. Compensation of aldermen. The salary of the Alderman of the Town of Selmer shall be \$150.00 per month and shall be paid to the alderman monthly. (as added by Ord. #524, Dec. 2005)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. Compensation.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all the affairs of the town and may require such reports from the various officers and employees of the town as he may reasonably deem necessary to carry out his executive responsibilities. (Code of 1977, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts authorized by the board of mayor and aldermen. (Code of 1977, § 1-202)

1-203. Compensation. (1) Beginning on July 1, 2002, the base salary for the mayor shall be as follows:

\$44,000 per annum.

(2) Beginning on July 1, 2003, the base salary for the mayor shall be as follows:

\$46,000 per annum.

(3) Beginning on July 1, 2004, the base salary for the mayor shall be as follows:

\$47,000 per annum.

(as added by Ord. #484, Aug. 2001)

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<sup>1</sup>See section 6 of the charter for specific powers of the Mayor.

## CHAPTER 3

RECORDER<sup>1</sup>

## SECTION

1-301. To be bonded.

1-302. To keep an ordinance book.

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

1-301. To be bonded. The recorder shall be bonded in the sum of \$10,000 before assuming the duties of his office. (Code of 1977, § 1-301)

1-302. To keep an ordinance book. The recorder shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by the board of mayor and aldermen. (Code of 1977, § 1-302)

1-303. To perform general clerical duties, etc. The recorder shall perform all clerical duties for the board of mayor and aldermen and for the Town of Selmer which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and paper. (Code of 1977, § 1-303)

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<sup>1</sup>See sections 8 and 15, for Appointment, Compensation and Duties of the Recorder.

## CHAPTER 4

TREASURER<sup>1</sup>

## SECTION

1-401. To be bonded.

1-401. To be bonded. The treasurer shall be bonded in the sum of \$10,000 before assuming the duties of his office. (Code of 1977, § 1-401)

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<sup>1</sup>For provisions in the charter with respect to the following, see the sections indicated:

- (1) Bond. secs. 8 and 13.
- (2) Cannot be recorder. sec. 13.
- (3) Duties may be prescribed by ordinance. sec. 13.
- (4) Election. sec. 13.
- (5) Handling of improvement bond proceeds. sec. 56.
- (6) Handling of sinking fund tax revenues. sec. 11.
- (7) Payment of school bonds and interest. sec. 12.
- (8) Term of office. sec. 13.
- (9) To be an alderman. sec. 13.

See also title 5 of this code on finance and taxation.

CHAPTER 5

CODE OF ETHICS<sup>1</sup>

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.
- 1-510. Ethics complaints.
- 1-511. 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.

1-501. 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 these separate entities. (as added by Ord. #557, June 2007)

1-502. Definition of "personal interest." (1) For purposes of §§ 1-503 and 1-504, "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. #557, June 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 himself<sup>1</sup> from voting on the measure. (as added by Ord. #557, June 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 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

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

policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #557, June 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 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, or

(3) Acceptance of food, refreshments or services not exceeding fifty dollars (\$50.00) per person outside of McNairy County or thirty dollars (\$30.00) within McNairy County in value on a single calendar day are not deemed to be of the nature that would impact or appear to impact discretion, as governed by Tennessee Code Annotated, § 8-17-102. (as added by Ord. #557, June 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. (as added by Ord. #557, June 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 governing body to be in the best interests of the municipality. (as added by Ord. #557, June 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 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. #557, June 2007)

1-509. 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. #557, June 2007)

1-510. 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. #557, June 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 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. #557, June 2007)