

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY MANAGER.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Meetings.
- 1-102. Councilmen serve without compensation.

1-101. Meetings. The regular meeting dates of the city council shall be the second and fourth Mondays of each calendar month at 7:00 P.M. (1972 Code, § 1-101)

1-102. Councilmen serve without compensation. City councilmen shall serve without compensation. (1972 Code, § 1-102)

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 electrical inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: art. II, § 15.

Oath of office: art. II, § 14.

Qualifications: art. II, § 7.

Terms of office: art. II, § 1.

Vacancy in office: art. II, § 12.

CHAPTER 2**MAYOR**¹**SECTION**

1-201. Bond.

1-201. Bond. The mayor shall be covered by a fidelity bond with some surety company authorized to do business in the State of Tennessee as surety in the amount of ten thousand dollars (\$10,000) in compliance with art. V, § 11, of the Charter of the City of Norris. (1972 Code, § 1-201)

¹Charter references

Bond: art. V, § 11.

Duties: art. VI, § 2.

Oath of office: art. II, § 14.

Powers: art. VI, § 1.

Term of office: art. II, § 1.

Vacancy in office: art. II, § 12.

CHAPTER 3

CITY MANAGER

SECTION

- 1-301. Appointment, term, and qualifications of manager.
- 1-302. Council-manager relationships; personnel policy.
- 1-303. General powers and duties of the manager.
- 1-304. Acting city manager.
- 1-305. Exceptions to manager's powers, duties, and responsibilities.
- 1-306. Bond.

1-301. Appointment, term, and qualifications of manager. A city manager shall be appointed, pursuant to art. V, § 9, of the Charter of the City of Norris, to serve at the will of the city council. The manager shall be selected by the council on the basis of his training, experience, and other administrative qualifications for the office and without regard to his political or religious preference or his place of residence at the time of his appointment. (1972 Code, § 1-301)

1-302. Council-manager relationships; personnel policy. The city manager shall be administrative head of the city government under the direction of the city council. The manager shall be responsible to the council for the administration of all departments of the city government not operated under a separate board and for carrying out policies adopted by the council. The council hereby delegates to the city manager such powers and duties as it has to appoint, promote, suspend, transfer, and remove administrative officers and employees of the city. The manager may delegate part of his powers and duties to designated subordinates but he shall be responsible for their actions. Neither the council nor any member thereof shall give orders to the manager's subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the manager's subordinates. (1972 Code, § 1-302)

1-303. General powers and duties of the manager. All powers, duties, functions, and responsibilities heretofore prescribed for the city clerk by charter, ordinance, or resolution are hereby transferred to the city manager. The manager is also charged with the preservation of the public peace and health, the safety of persons and properties, the enforcement of laws, ordinances, and franchises, and the development and utilization of the city's resources. He shall make such reports and recommendations as he may deem desirable and perform such other duties as may be prescribed or required of him by the council. He shall have the right to take part in the discussion of all

matters coming before the council, but not the right to vote. (1972 Code, § 1-303)

1-304. Acting city manager. By letter on file in his office the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. The council may revoke such designation at any time and designate some other person as acting manager. (1972 Code, § 1-304)

1-305. Exceptions to manager's powers, duties, and responsibilities. The waterworks and sewer system shall remain under the Norris Water Commission as provided for in title 18, chapter 2, of this code with no changes in the custody, administration, operation, maintenance, and control.

The city judge shall continue to be elected as provided in art. VII of the charter. (1972 Code, § 1-305)

1-306. Bond. The city manager shall be covered by a fidelity bond with some surety company authorized to do business in the State of Tennessee as surety in the amount of fifty thousand dollars (\$50,000) in compliance with art. V, § 11, of the Charter of the City of Norris. (1972 Code, § 1-306)

CHAPTER 4

CODE OF ETHICS¹

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.

1-401. Applicability. This chapter is the code of ethics for personnel of the City of Norris. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any

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 - T. C. A. title 2, chapter 10.

Conflict of interest - 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. - § 2-1;.122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T. C. A. § 39-15-101 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.

separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "city" or "City of Norris" include these separate entities. (as added by Ord. #490, March 2007)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-103 and 1-104, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a city council not otherwise regulated by state statutes on conflicts of interest; 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), 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. #490, March 2007)

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 reclude himself¹ from voting on the measure. (as added by Ord. #490, March 2007)

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 city manager. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, reclude himself from the exercise of discretion in the matter. (as added by Ord. #490, March 2007)

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

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.

(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. #490, March 2007)

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. (as added by Ord. #490, March 2007)

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 lease that is determined by the City of Norris Council to be in the best interest of the city. (as added by Ord. #490, March 2007)

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.

(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. (as added by Ord. #490, March 2007)

1-409. Outside employment. A full-time employee of the city may not accept any outside employment without written authorization from the department head. (as added by Ord. #490, March 2007)

1-410. Ethics complaints. (1) The city manager is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city manager 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 manager 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 city manager's judgment, constitutes a violation of this code of ethics.

(b) The city manager may request city council hire an 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 council, council members 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 council determines that a complaint warrants further investigation, it shall authorize an investigation by the city manager or another individual or entity chosen by city council.

(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. #490, March 2007)

1-411. 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 City of Norris Council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #490, March 2007)