

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. CITY MANAGER.
3. FINANCE DIRECTOR, CITY CLERK AND DEPUTIES.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

1-101. Meetings³. (1) Regular meetings. The regular meetings of the council shall be held at 7:00 P.M. on the second Tuesday of each month in the council meeting room of the Kingston Community Center; however, upon approval of a majority of council, any such regular meeting may be held at another site, the public welfare requiring it. Provided, however, the regular

¹Charter reference

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building and plumbing inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

City council: art. IV.

Compensation of mayor and councilmen: art. IV, § 4.05.

Elections: art. III.

¹Charter reference

Meetings of council: art. III, § 4.07.

meeting of any specific month may be held on another date and time if acceptable to a majority of the council with at least twenty-four (24) hours notice being given to all members thereof and notice being published in the official newspaper of the city.

(2) Special meetings. Special meetings may be called by the mayor or by at least two (2) councilmen on twenty-four (24) hours notice, or shorter in case of an emergency, to the other members of the council personally served by the mayor, a councilman or a police officer. The notice shall indicate in a general way the business to be considered, and business not embraced in the call shall not be considered unless all members of the council are present.

(3) Quorum. Except as provided in Article IV, section 4.04, of the city charter, four (4) members of the council, the mayor being a member thereof, shall constitute a quorum for the conduct of business; provided, however, in the absence of a quorum, three (3) members may adjourn the meeting to a later date giving at least twenty-four hours prior notice thereof to absent members.

(4) Public accessibility. All council meetings both regular and special, shall be open to the public and citizens shall have a reasonable opportunity to be heard. The council shall exercise its powers only at public meetings. (1991 Code, § 1-101, modified)

1-102. Order of business. At each regular meeting of the city council the following order of business shall be observed unless dispensed with by a majority vote of the council:

- (1) The meeting will be called to order by the mayor.
- (2) The roll will be called by the city clerk.
- (3) The minutes of the previous meeting will be read by the clerk and approved or corrected by the council.
- (4) The council will hear comments from the public.
- (5) The council will hear communications from the city manager.
- (6) The council will hear reports from the mayor, councilmen, and other officers and committees.
- (7) The council will dispose of unfinished business.
- (8) The council will consider new business.
- (9) The meeting will be adjourned.

The agenda of the regular council meeting shall be prepared under the direction of the city manager. The mayor, any member of council, the city manager or the city attorney may submit any item of business for inclusion on the agenda and the city manager shall add such matter to the agenda. Any such item must be submitted no later than 4:30 P.M. on the Wednesday preceding any regular council meeting. No item of business may be added to the agenda for consideration by the city council at the next regular council meeting after the above stated time except by unanimous consent of all members of council. (1991 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 (most recent edition) shall govern the transaction of business by and before the city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with special rules in the municipal charter or adopted by the council and set out in this code. (1991 Code, § 1-103, modified)

CHAPTER 2

CITY MANAGER¹

SECTION

1-201. To be bonded.

1-202. Annual performance evaluation.

1-201. To be bonded. The city manager shall, before entering upon his duties, execute a fidelity bond in such sum as the city council shall prescribe. Said bond shall be with a surety company authorized to do business in the State of Tennessee and shall be paid for by the city. (1991 Code, § 1-201)

1-202. Annual performance evaluation. Annual evaluations of the city manager evaluation form (similar to attachment)² will be distributed to each council member. Each council member will be asked to complete the evaluation form and forward it to MTAS, 120 Conference Center Building, Knoxville, TN 37996-4105, Attn: Municipal Management Consultant for Kingston, within thirty (30) days of the distribution of the form. An MTAS assigned consultant will consolidate reports received from council members into one report to be presented to the city manager within thirty (30) days of the distribution of the form.

Appraisal forms, which shall be made on a form similar to attachment to Ord. #3-4-8-2, will be transmitted to each councilperson with an explanatory letter as attached to this code.²

In the event all evaluation forms are not turned in to MTAS within thirty (30) days of the distribution of the form, only those forms submitted will be consolidated into the final report.

After private consultation to discuss the evaluation with the city manager, the MTAS representative will provide a copy of the combined evaluation to city council members with his suggested recommendations to the city manager that could help to broaden his expertise. (1991 Code, § 1-202, modified)

¹Charter references

Appointment, compensation, etc.: art. IV, § 5.01.

Powers and duties: art. V., § 5.04.

See attachments to Ord. #3-4-8-2, June 2003, in Appendix A of this code.

CHAPTER 3**FINANCE DIRECTOR, CITY CLERK AND DEPUTIES**¹**SECTION**

1-301. To be bonded.

1-301. To be bonded. The finance director, city clerk and any deputies shall, before entering upon their duties, execute a fidelity bond in such sum as the city council shall prescribe. Said bond shall be with a surety company authorized to do business in the State of Tennessee and shall be paid for by the city. (1991, Code § 1-301, modified)

¹Charter reference
art. VI, § 6.05.

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. Exceptions.
- 1-407. Use of information.
- 1-408. Use of city time, facilities, etc.
- 1-409. Use of position or authority.
- 1-410. Outside employment.
- 1-411. Ethics complaints.
- 1-412. Violations.

1-401. Applicability. This chapter serves as the code of ethics for personnel of the City of Kingston, Tennessee (herein city). 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. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-402. Definition of "personal interest." (1) For purposes of this chapter, "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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(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. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

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 himself from voting on the measure. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

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. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-405. Acceptance of gratuities, etc. No employee shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan guarantee or any other item of monetary value, from any person or entity that:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with any department of city government.
 - (2) Conducts operations or activities with the City of Kingston.
 - (3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duties.
- (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-406. Exceptions. (1) The prohibition on accepting gifts in § 1-405 does not apply to:

- (a) A gift given by a member of the employee's immediate family, or by an individual if the gift is given for non-business purpose and is motivated by a close personal friendship and not by the position of the employee.
- (b) Informational materials in the form of books, articles, periodicals, other written materials, audio tapes, video tapes, or other forms of communication.
- (c) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business.
- (d) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form

of a plaque, trophy, desk item, wall memento or other similar items; provided, that any such item shall not be in a form which can readily converted to cash.

(e) Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the among two (2) or more persons or entities identified in § 1-405.

(f) There may be circumstances where refusal or reimbursement of a gift or dining with a value exceeding fifty dollars (\$50.00) may be awkward and contrary to the larger interests of the city. In such circumstances, the employee shall disclose the gift/dinner, including a description, estimated value, the person or entity providing the gift/dinner and additional explanations as needed within fourteen (14) calender days of the occurrence to the internal auditor or director of finance and administration. A form for this purpose will be provided.

(g) Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where an employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings.

(h) Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees of collateral provided by any person described in § 1-405

(i) Money, goods or any other commodity donated to any employee, as defined in this chapter, for the distribution to any segment of the general public. For example, money donated to the Fraternal Order of Police by private retailers for the purpose of selecting identified under privileged children, transporting them to area stores and buying them Christmas gifts.

(2) 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:

(a) 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

(b) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing city business. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-407. 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. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-408. Use of city time, facilities, etc. (1) An official or employee may not use or authorize the use of city 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 city 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 city. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-409. 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. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-410. 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 city position or conflicts with any provision of the city's charter or any ordinance or policy. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-411. 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 creditable complaint against any appointed official or employee charged with violating provisions 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 government body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest 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's governing body, the governing body shall convene in special session as a committee of the whole to conduct a hearing to consider the merits of the complaint and make a determination that either: the complaint has merit; does not have merit; or 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 would make 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. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-412. 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 city'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. #11-10-11-2, Nov. 2011)