

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY ATTORNEY.
4. FINANCE DIRECTOR.
5. GENERAL.
6. STANDING COMMITTEES.
7. SPECIAL COMMITTEES.
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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, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: title 18.

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CHAPTER 1**BOARD OF MAYOR AND ALDERMEN****SECTION**

- 1-101. Time and place of regular meetings.
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1-101. Time and place of regular meetings. The Board of Mayor and Aldermen shall hold regular monthly meetings at 7:30 P.M. on the second and fourth Tuesdays of each month in the Main Meeting Room at 101 Maple Drive North, Hendersonville, Tennessee. (Ord. 1969-1, Aug. 1969, as amended by Ord. 1975-29, Sept. 1975, Ord. 1980-12, May 1980 and Ord. 2002-26, Sept. 2001, Ord. 2005-25, January, 2006)

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 members present:

- (1) Call to order by the mayor.
- (2) Acceptance of the agenda.
- (3) Presentations.
- (4) Public hearings
- (5) Approval of the minutes of the previous meeting.

Charter references

For charter provisions related to the Board of Mayor and Aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the Board of Mayor and Aldermen, see the following sections:

- City Administrator: §6-4-101.
- Compensation: §6-3-109.
- Duties of Mayor: §6-3-106.
- Election of the Board: §6-3-101.
- Oath: §6-3-105.
- Ordinance procedure
 - Publication: §6-2-101.
 - Readings: §6-2-102.
- Residence requirements: §6-3-103.
- Vacancies in office: §6-3-107.
- Vice-Mayor: §6-3-107.

- (6) Citizens comments
- (7) Reports.
- (8) Ordinances and resolutions.
- (9) Other agenda items.
- (10) Adjournment.

Guidelines for public comments: (1) Speakers must identify themselves by name and address; (2) Public comment shall be limited to five minutes per individual, which time is not transferable to other speakers; (3) All comments are to be directed to the presiding officer, not to aldermen, city staff or other members of the public; (4) Comments must address issues, not individuals or personalities; personal attacks shall not be tolerated; (5) Comments may support or oppose particular issues or measures, but the motives of those with differing views shall not be questioned or attacked; (6) Malicious or excessively repetitive comments will not be allowed; (7) Speeches for or against particular candidates running for public office shall not be allowed. (Ord. #1969-5, Aug. 1969, modified, Ord. 2001-26, Sept. 2001, Ord. # 2003-57, December, 2003, Ord. # 2005-4, Feb. 2006)

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 aldermen at all its meetings to which they are applicable and in which they are not inconsistent with provisions of the state law or duly enacted ordinances of the city, except that city staff members may address the board without the necessity of suspension of the rules. The board of Mayor and Aldermen, by resolution, may adopt such supplemental rules of order as deemed appropriate.¹ (Ord. #1969-5, Aug. 1969, as amended by Ord. #1991-17, Feb. 1991, Ord. 2003-6, March, 2003)

1-104. Salaries of aldermen. The salary for each alderman beginning January, 2005 shall be five hundred dollars (\$500.00) per month per alderman subject to cost of living adjustments, if any, approved by the board of mayor and aldermen for all full time and regular part time employees. Such increases shall be rounded to the nearest dollar and shall be effective for fiscal year 2006 for the mayor and aldermen. (Ord. #1987-53, Sept. 1987, modified, Ord. 2004-24, June 2004, Ord. 2005-18, June 2005)

1-105. Terms of aldermen. All terms of members of the board of mayor and aldermen elected in the municipal election on September 29, 1994, shall expire on the date of the second regular meeting of the board of mayor and aldermen in November, 1998. All terms of members of the board of mayor and aldermen set to expire in October, 1996, shall be extended until the second regular meeting of the board of mayor and aldermen in November, 1996. (Ord. #1993-45, April 1994)

¹Supplemental rules of order adopted by Resolution 2003-10

CHAPTER 2

MAYOR¹

SECTION

1-201. To make disbursement of funds.

1-202. Bond required.

1-203. Authorized to retain special legal counsel.

1-204. Transfer of funds.

1-205. Administration of city business.

1-201. To make disbursement of funds. The mayor is authorized to make disbursement of funds in aggregate amounts as detailed in approved fiscal year expense and capital expenditure budgets. (Ord. 1970-18, June 1970, modified)

1-202. Bond required. The mayor and all other officers and city employees shall be bonded in an amount commensurate with funds charged to their safe-keeping in the aggregate. (Ord. #1970-18, June 1970, modified)

1-203. Authorized to retain special legal counsel. (1) The mayor is hereby empowered and authorized to retain whenever he deems it necessary or desirable special legal counsel to assist the city attorney in the prosecution or defense of lawsuits to which the City of Hendersonville, Tennessee, may be a party.

(2) The mayor is further empowered and authorized to negotiate the necessary contract with such special legal counsel for the payment of reasonable compensation and expenses. Such contract to be signed by the mayor. (Ord. #1972-34, Sept. 1972, modified)

1-204. Transfer of funds. The mayor is hereby authorized to transfer funds between accounts in order to maintain positive balances in all accounts on a daily basis. (Ord. #1978-54, Dec. 1978, modified)

¹Charter references

For charter provisions related to the Mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the Mayor, see the following sections:

Duties of the Mayor: §6-3-106.

Vacancies in office: §6-3-107.

Vice-Mayor: §6-3-107.

1-205. Administration of city business. All department heads, and all staff members who are not under the supervision of a department head, shall report directly to the mayor with respect to their responsibilities for the orderly administration of the business of the city. (Ord. #1990-10, March 1990)

CHAPTER 3

CITY ATTORNEY

SECTION

1-301. Elected.

1-302. Qualifications.

1-301. Elected. The city attorney shall be elected by the board of mayor and aldermen, and shall serve at the pleasure of the board of mayor and aldermen. (Ord. #1991-30, July 1991)

1-302. Qualifications. A candidate for the office of city attorney:

(1) Must have been licensed to practice law in the State of Tennessee for at least three years;

(2) Must be at least thirty years of age, and must have been a resident of the city, or have maintained an office for the practice of law within the city, at least three years immediately preceding the appointment; and

(3) Must not have ever been convicted of a felony, or any offense involving the abuse of intoxicants or controlled substances. If the city attorney is convicted of such an offense and the conviction is appealed, the city attorney shall be suspended pending the appeal; provided, however, that this provision does not apply to appeals from courts of inferior jurisdiction which automatically result in a new trial. (Ord. #1991-30, July 1991)

CHAPTER 4**FINANCE DIRECTOR**²**SECTION**

1-401. Transfer of funds.

1-401. Transfer of funds. The finance director is hereby authorized to transfer funds between accounts in order to maintain positive balances in all accounts on a daily basis. (Ord. #1978-54, Dec. 1978, Ord. 2002-26, July, 2002)

²Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(C).

CHAPTER 5

GENERAL

SECTION

1-501. Use of city vehicles for official business only.

1-502. Aldermanic liaison appointments.

1-501. Use of city vehicles for official business only. All city vehicles shall be used only for the official business of the city; provided, however, this section shall not be deemed to have been violated by the following:

(1) The use of city vehicles for commuting where authorized by city policy;
and

(2) The use of city vehicles for special events, where such use is authorized by the mayor. (Ord. #1991-31, June 1991)

1-502. Aldermanic liaison appointments. The General Committee, at its first meeting following the induction of aldermen subsequent to a municipal election, shall prepare a recommended list of aldermen to serve as liaisons to the various boards and agencies, after consulting and polling the entire board and considering their preferences. (Ord. #1992-37, Jan. 1993)

CHAPTER 6

STANDING COMMITTEES

SECTION

- 1-601. Established.
- 1-602. Aldermen to serve on committees.
- 1-603. Regular meetings.
- 1-604. Special meetings.
- 1-605. Membership.
- 1-606. Responsibilities of each standing committee.
- 1-607. Reports presented to board.

1-601. Established. There are hereby established, by ordinance, five standing committees of the board of mayor and aldermen, as follows:

- (1) Finance Committee;
- (2) General Committee;
- (3) Public Safety Committee;
- (4) Public Works Committee;
- (5) Capital Projects Committee. (Ord. #1989-24, June 1989)

1-602. Aldermen to serve on committees. Each standing committee shall consist of three aldermen, with no aldermen serving on more than one committee, except for the capital projects committee. Each such committee shall select a chairman and a secretary, and shall establish its own rules of procedures. The standing committees shall consider items referred to them by the board of mayor and aldermen, or by request of any member of the board of mayor and aldermen, or as required by this chapter. (Ord. #1989-24, June 1989)

1-603. Regular meetings. The standing committees shall have regular meetings each month, at city hall, as follows:

- (1) Finance Committee: fourth Tuesday of each month at 6:30 p.m.
- (2) General Committee: second Tuesday each month, at 6:30 P.M.
- (3) Public Safety Committee: second Tuesday each month, at 6:30 P.M.
- (4) Public Works Committee: first Tuesday each month, at 5:00 P.M.

The provisions of this section do not apply to the capital projects committee, which shall schedule meetings as needed, with reasonable notice to the public.

Regular committee meetings may be cancelled or postponed by committee chairmen by giving reasonable notice of such cancellation or postponement. (Ord. #1989-24, June 1989, as amended by Ord. #1990-41, July 1990, Ord. #91-11, Jan. 1991, Ord. #92-12, April 1992, and Ord. #94-43, Jan. 1995, Ord. 1997-1, Jan. 1997, Ord. # 99-28, October 1999, Ord. 2003-1, Jan. 2003, Ord. 2007-3, Jan. 2007, Ord. 2009-34, Dec. 2009)

1-604. Special meetings. Special meetings of these standing committees may be held as needed, with the times and places of such special meetings to be determined by the committee chairmen, with reasonable notice to the public. (Ord. #1989-24, June 1989)

1-605. Membership. Membership to all standing committees except the capital projects committee shall be selected by vote of the board of mayor and alderman at the first regular meeting of the board subsequent to a municipal election. The Capital Projects Committee shall be composed of the chairmen of the Finance, Public Works, Public Safety, and General Committees, and one other alderman, to be elected by the Board of Mayor and Aldermen at the first regular meeting of the Board after the other standing committees have had organizational meetings subsequent to a municipal election. The mayor shall serve as a non-voting, ex officio member of all standing committees. Staff members shall serve the standing committees as needed, but shall not have a vote in committee matters. (Ord. #1989-24, June 1989, as amended by Ord. #91-42, July 1991, Ord. 1997-29, August 1997)

1-606. Responsibilities of each standing committee. The responsibilities of the standing committees of the city shall include the following:

(1) Finance committee: consideration of issues relating to the the budgetary process, capital projects, the tax rate, financial planning, debt service, alternative sources of revenue, and other issues affecting the fiscal affairs of the city.

(2) General committee: consideration of issues relating to annexation, orderly growth and development through planning and zoning, personnel, municipal elections, risk management, and other issues relating to the general welfare of the city.

(3) Public safety committee: consideration of issues relating to municipal services including fire and police protection, traffic safety, ambulance service, emergency management, and other issues relating to health and safety issues affecting the city.

(4) Public works committee: consideration of issues relating to municipal structures, drainage, waste collection and disposal, construction and maintenance of roads, public utilities, and other issues relating to public works in the city.

(5) Capital projects committee: monitoring of all phases of capital building projects within the city including proper documentation, contract compliance, necessary professional and technical assistance, site selection (including application of proper criteria with respect to testing and consideration of alternative sites as well as cost-benefit analysis), and prompt reporting to the board as to the progress and costs of particular projects. (Ord. #1989-24, June 1989)

1-607. Reports presented to board. (1) The standing committees shall prepare written reports of their regular meetings, with said reports to be presented to the board secretary no later than the Wednesday preceding the second regular meeting of the board of mayor and aldermen (the "board") in the month in which the committee meeting occurs. These reports shall be included in the agenda packets distributed to the members of the board for said regular meeting.

(2) Standing committee reports shall be considered for acceptance in the "Reports" section of the agenda at said meeting of the board.

(3) If particular items in committee reports require action by the board, the committee chairman shall request that the mayor include those items in the agenda for said meeting of the board.

(4) Reports should address particular items referred to committees by the board no later than the second regular meeting of the month following the referral. If such items are not addressed in committee reports as herein specified, such items shall be placed on the agenda for the first regular meeting of the following month, with or without a committee report.

(5) Reports of special meetings of standing committees shall be presented as stated above at the earliest regular meeting of the board where inclusion of the report in the regular agenda packets is practicable. (Ord. #1988-106, Dec. 1988)

1-608. Proposed legislation. (a.) The board of mayor and aldermen shall not consider any ordinances or resolutions unless the proposed legislation has been presented to a standing committee of the board for its consideration at least two (2) weeks prior to consideration by the board.

(b.) The provisions of this section shall not apply if seven (7) members of the board vote to waive this requirement and add a particular item of legislation to the board's agenda without consideration by a standing committee. Any member of the board may move for waiver of this section's requirements for a particular item of legislation. (Ord. 2002-12, March, 2002)

CHAPTER 7

SPECIAL COMMITTEES

SECTION

1-701. Procedures for establishing special committees.

1-702. Establishing a Non-profit Contributions Committee.

1-701. Procedures for establishing special committees. (1) Any committee established by the board of mayor and aldermen or by its standing committees, or any committee desired by any board or commission established by the board of mayor and aldermen, shall be established by ordinance.

(2) No employee of the City of Hendersonville shall be eligible to serve as a voting member on any committee established in accordance with this chapter except as ex-officio, non-voting members, of such committees. In the event that the board of mayor and aldermen desires to amend the membership of any committee established pursuant to this chapter, such amendment shall be by resolution, duly adopted by a majority of the entire membership of the board of mayor and aldermen.

(3) The ordinance establishing any such committee shall specify the following:

(a) Its term of existence;

(b) Its purposes;

(c) Its membership;

(d) Its scope of authority;

(e) Its responsibilities to report to the board or commission seeking its establishment; and

(f) What funds, if any, are to be made available to it to achieve its purposes.

Any other specifications deemed necessary and appropriate by the board of mayor and aldermen may also be included in the ordinance.

(4) Any such committee established by ordinance shall operate exclusively within the specifications set forth in the ordinance, with any modification to said specifications to be by ordinance.

(5) The provisions of this chapter do not apply to committees formed exclusively of members of a particular board or commission, including the standing committees of the board of mayor and aldermen and committees or subcommittees of the other boards and commissions of the city. (Ord. #1989-8, March 1989, as amended by Ord. #1990-7, Feb. 1990).

1-702. Committee established. There is hereby established a special committee to be known as the Non-profit Contributions Committee with responsibility of reviewing

funding requests from non-profit agencies and making recommendations to the Finance Committee and Board of Mayor and Aldermen during the annual budget process.

1-703. Term. The Non-profit Contributions Committee shall commence its existence at the date of the final adoption of this ordinance and shall exist indefinitely until such time the Board of Mayor and Aldermen vote to dissolve said committee.

1-704. Membership. The Non-profit Contributions Committee shall consist of five (5) members. The members shall be the Chairman and Vice-Chairman of the Finance Committee and the Chairman and Vice-Chairman of the General Committee. The fifth member shall be an alderman appointed by the Mayor for a term of two (2) years.

1-705. Purpose. The purpose of the Non-profit Contributions Committee shall be as follows: (1) to review and evaluate funding requests from non-profit 501(c) (3) agencies.

(2) To review the budget as submitted by the Mayor for non-profit agencies included in the executive/ECD budget as described in Section 5.A.1 below.

(3) To make recommendations on funding requests to the Finance Committee and the Board of Mayor and Aldermen during the annual budget process.

1-706. Methodology. The Non-profit Contributions Committee shall establish a methodology for fulfilling its purpose. This methodology may include, but is not limited to the following activities: (1) non-profit request shall be divided into two (2) groups.

(a) The first group shall include all 501(c)(4) agencies, 501(c)(6) agencies, and all quasi-governmental agencies and shall be included in the Executive/ECD budget. The Mayor shall submit budget recommendations for these agencies to the Non-profit Contributions Committee.

(b) The second group shall include all 501(c)(3) agencies and shall be included in a separate non-profit budget. The Non-profit Contributions Committee shall review funding requests from these agencies and make budget recommendations. The maximum appropriation allowed for the 501(c)(3) budget shall not exceed the preceding year fiscal year General Fund budget total less any amounts appropriated for debt service multiplied by one percent (1%).

(2) The City will place an advertisement in the newspaper prior to the budget process notifying all agencies of the City's annual budget process.

(3) The Non-profit Contributions Committee shall adopt policies and guidelines to assist in evaluating the programs offered by the agencies, the financial need of the agencies, the number of Hendersonville residents served by the agencies, and the appropriate level of City funding for the agencies.

1-707. Scope of Authority. The scope of authority of the Non-profit Contributions Committee shall be to review and study funding requests from all 501(c)(3), 501(c)(4), 501(c)(6), and quasi-governmental agencies.

1-708. Reporting Responsibility. The committee shall make funding recommendations to the Finance Committee and the Board of Mayor and Aldermen during the annual budget process.

1-709. Funding. Funding for assistance in completing the goals and objectives of this Committee shall be as budgeted in the finance budget. The Finance Department and other city departments shall supply staff support for the committee within any limitations imposed by the Mayor. (Ord. 2005-52, January 2006)

CHAPTER 8

ELECTIONS

SECTION

1-801. Election date.

1-802. Members of board of mayor and aldermen elected by plurality vote.

1-801. Election date. Regular municipal elections shall be conducted on the first Tuesday after the first Monday in November in every even-numbered year, with the first such election being held on November 5, 1996. (Ord. #1993-45, April 1994)

1-802. Members of board of mayor and aldermen elected by plurality vote. Members of the board of mayor and aldermen shall be elected by plurality vote, and no candidate for an office on said board shall be required to receive a majority vote, or to participate in a run-off election. (Ord. #1993-45, April 1994, as amended by Ord. #1996-8, March 1996)

(1) Members of the board of mayor and aldermen elected to office in the regular municipal election September 26, 1991, shall be elected to serve terms of three (3) years.

(2) Members of the board of mayor and aldermen elected subsequent to 1991 shall be elected to serve terms of four (4) years. (Ord. #1990-32, May 1990, as amended by Ord. #1996-8, March 1996)

CHAPTER 9

CAPITAL PROJECTS POLICY

SECTION

- 1-901. Definitions.
- 1-902. Responsibilities.
- 1-903. Rules.

1-901. Definitions. (1) "Capital projects" - Construction projects exceeding a total cost of twenty-five thousand dollars and other projects as assigned by the mayor.

(2) "Capital projects manager" - Public works director.

(3) "Capital projects committee" - Standing committee of the board of mayor and aldermen established by ordinance for the purpose of reviewing projects and reporting to the board.

(4) "Referenced standards" - All established standards that may be necessary for the capital projects manager to use in establishing each project's schedule. Examples of such materials are: Local Government Public Works Standards and Specifications (MTAS); Highway Construction Standards (TDOT); Standard Contract Documents (AIA/ASCE); Project Manager's Checklist (NSPE). (Ord. #1989-28, June 1989)

1-902. Responsibilities. (1) Capital projects committee. Refer to the provisions of title 1, chapter 6.

(2) Capital projects manager. (a) Management of a capital projects program as well as specific programs, with appropriate schedules, for each project.

(b) Accountability and coordination of all capital projects.

(c) Monitoring consultant selection and assuring selection based on generally accepted qualifications and expertise required for the particular project.

(d) Review and approval of all payment requests.

(e) Proper execution of all documents.

(f) Final inspection and acceptance of finished project.

(g) Supervise construction management process.

(h) Assurance of proper site selection including coordination and execution of any preliminary engineering and/or testing required by sound practice.

(i) Development of design and construction contract documents with the assistance of the city attorney.

(j) Capital projects manager shall report all changes in contract documents, and/or project scope to capital projects committee. (Ord. #1989-28, June 1989)

1-903. Rules. (1) The capital projects manager shall be involved with each capital project from initial conception to finished project.

(2) If applicable, the appropriate department head shall be involved with project justification and subsequent design. However, after construction documents phase is underway the capital projects manager shall be the responsible party.

(3) In the event emergency purchases are required the provisions of Tennessee Code Annotated, § 6-56-304 shall be followed with the provision that the capital projects manager remain the responsible party.

(4) The city attorney shall review all capital project contract documents prior to signing by mayor.

(5) The capital projects manager shall coordinate with the finance director regarding payment requests.

(6) The city engineer shall review, or have reviewed by individuals with appropriate expertise, all construction plans and specifications PRIOR to advertisement for bids. (Ord. #1989-28, June 1989)

CHAPTER 10

CODE OF ETHICS

SECTION

- 10-1001. Applicability.
- 10-1002. Definition of personal interest.
- 10-1003. Disclosure of personal interest by official with vote.
- 10-1004. Disclosure of personal interest in nonvoting matters.
- 10-1005. Acceptance of gratuities.
- 10-1006. Use of information.
- 10-1007. Use of municipal time, facilities, etc.
- 10-1008. Use of position or authority.
- 10-1009. Outside employment.
- 10-1010. Ethics complaints
- 10-1011. Violations.

1-1001. 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.

1-1002. Definition of “personal interest”. (1) For purposes of Sections 1-103 and 1-104, “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 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, parents(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words “employment interest” includes 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.

1-1003. 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.

1-1004. Disclosure of personal interest in nonvoting 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.

1-1005. 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:

(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 municipal business.

1-1006. 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.

1-1007. 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 interest of the municipality.

1-1008. 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.

1-1009. 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.

1-1010. 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 that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have 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 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.

10-1011. 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. (Ord. 2007-1, June, 2007)