

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY ATTORNEY.
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5. GENERAL.
6. STANDING 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.

Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN**SECTION**

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Salaries of aldermen.
- 1-105. Terms of aldermen.

1-101. Time and place of regular meetings. Beginning April 1, 2020, the Board of Mayor and Aldermen shall hold regular monthly meetings at 7:00 P.M. on the second and fourth Tuesdays of each month in the Main Meeting Room at 101 Maple Drive North, Hendersonville, Tennessee. Until April 1, 2020, the meetings will continue to begin at 7:30 P.M. Effective immediately, these meetings shall end no later than 11:30 P.M. If there is any unfinished business, the same shall be placed at the beginning of the next meeting's agenda. However, the Board may extend the meeting until midnight if two -thirds (2/3) of the members present vote for such an extension. (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, Ord. 2019-47, December 2019)

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.

iCharter 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.

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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.

- (3) Presentations.

- (4) Public hearings
- (5) Approval of the minutes of the previous meeting.
- (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 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, Ord. # 2013-27, July 2013)

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 2020 shall be six hundred fifteen dollars and seventy-seven cents (\$615.77) 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, Ord. # 2015-7, June 2015, Ord. 2016-10, June 2016, Ord. 2019-22, June 2019)

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

MAYOR

SECTION

1-201. To make disbursement of funds.

1-202. Bond required.

1-203. Transfer of funds.

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. 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)
(Ord. 2020-19, July 2020)

Charter 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.

CHAPTER 3**CITY ATTORNEY****SECTION**

1-301. Qualifications and election.

1-302. Duties and compensation.

1-301 Qualifications and election.

(a) The city attorney shall be an attorney-at-law entitled to practice in the courts of the state.

(b) The city attorney shall be elected by the board of mayor and aldermen and shall serve at the pleasure of the board.

(c) The city attorney shall not represent any other governmental entities inside Sumner County.

(d) Must not have ever been convicted of a felony, or any offense involving the abuse of intoxicants or controlled substances within the previous fifteen years. 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; Ord. #2022-22, Oct. 2022)

1-302 Duties and compensation.

(a) The city attorney shall:

(1) Direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city courts;

(2) Represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested;

(3) Attend all meetings of the board of mayor and aldermen, and other meetings, including committee meetings, as requested;

(4) Advise the board of mayor and aldermen and its members, advise the chief of operations, and advise all department heads as to legal questions affecting the city's interest; and

(5) Approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city.

(b) The city attorney shall receive compensation as fixed by the Board of Mayor and Aldermen in its annual operating budget. (Ord. #1991-30, July 1991; Ord. # 2022-22, Oct. 2022)

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 City Administrator.

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)

1-503. Agendas.

- (1) At least forty-eight (48) hours prior to a public meeting of a City governing body, the agenda for the upcoming meeting shall be made available to the public in a place accessible to the public, at no charge.
- (2) Such agenda must reasonably describe the matters to be deliberated or acted upon during the public meeting.
- (3) A City governing body may deliberate or act upon matters not listed on the agenda if it follows its bylaws or properly adopted rules and procedures to do so and complies with all other applicable state laws.
- (4) A City governing body shall not circumvent the spirit or requirements of this section by withholding items from an agenda for the purpose of avoiding public disclosure of business to be considered by the legislative body.
- (5) A City governing body will make the agenda available to the public through its website, barring any unforeseen circumstances outside of the City's control, which shall be considered a place that is accessible to the public for the purposes of compliance with this Section.
- (6) For the purposes of this Chapter 5, a "City governing body" means members of any City public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a City public body on policy or administration, which shall include but not be limited to the Board of Mayor and Aldermen, Standing Committees, Special Committees, and Boards and Commissions.

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(7) This Section shall supersede all other provisions of duly enacted ordinances of the City that are inconsistent herewith and to the contrary.

1-504. Public Comments.

(1) Unless specified otherwise, this Section shall apply to all governing bodies of the City as defined in the previous Section except for the following:

a) the Board of Mayor of Aldermen which is governed by Section 1-102;

b) a meeting or a portion thereof of a governing body, to include the Board of Mayor and Aldermen, where the governing body is conducting a disciplinary hearing for a member of the governing body or a person whose profession or activities fall within the jurisdiction of the governing body; or

(c) a meeting for which there are no actionable items on the agenda.

(2) All City governing bodies shall, for each public meeting, reserve a period to occur early on their respective agendas for public comment to provide the public with the opportunity to comment on matters that are germane to the items on the agenda for the meeting.

(3) The advanced agenda notice of the public meeting shall include the manner in which an individual must sign up to speak at the meeting.

(4) All City governing bodies shall provide a signup sheet in their respective meeting rooms for those desiring to provide public comments, on which those desiring to speak shall register prior to the meeting.

(5) All City governing bodies shall take all practicable steps to ensure that opposing viewpoints are represented fairly, if any.

(6) The following guidelines shall apply to those desiring to offer public comments:

- a) Speakers shall identify themselves by name and address;
- b) Public comments shall be limited to five (5) minutes per individual, which such time is not transferable to other speakers;
- c) All comments are to be directed to the presiding officer, not to other meeting members, city staff or other members of the public;
- d) Comments must be germane to the agenda items, and not about individuals or personalities;
- e) Personal attacks shall not be tolerated;
- f) Comments may support or oppose particular issues or measures, but the motives of those with differing views shall not be questioned or attacked;
- g) Malicious comments will not be allowed; and
- h) Public comments for or against particular candidates running for public office shall not be allowed.

(7) If time allows, the chairman has the discretion to allow public comments regarding other issues not on the agenda.

1-505. General Rules of Order of Governing Bodies.

(1) This Section shall apply to all governing bodies of the City as defined in Section 1-503 above except for the Board of Mayor of Aldermen which is governed by Section 1-103.

(2) Governing bodies of the City may adopt rules of order and parliamentary procedures, including those contained in the current Robert's Rules of Order, Newly Revised, which shall govern the transaction of business by and before City governing bodies at its public meetings to which they are applicable and in which they are not inconsistent with provisions of state law or other duly enacted ordinances of the city, except that city staff members may address the City governing body without the necessity of suspending the rules. City governing bodies may adopt such supplemental rules of order as it deems appropriate. (Ord. #1991-31, June 1991, Ord. 2020-19, July 2020; Ord. 2023-15, August 2023)

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 6:00 p.m.
- (2) General Committee: second Tuesday each month at 6:00 p.m.
- (3) Public Safety Committee: second Tuesday each month at 5:15 p.m.
- (4) Public Works Committee: fourth Tuesday each month at 5:00 p.m.

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However, the above start times will not be effective until July 1, 2021. Until then the current start times for committees will remain unchanged. 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. (Ord. 2019-47, December 2019)

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, Ord. 2010-21, August 2010, Ord. 2014-1, Jan. 2014, Ord. 2015-11, July 2015, Ord. 2021-16, June 2021)

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 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, Ord. # 2016-23, October 2016)

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

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(1) Finance committee: consideration of issues relating to 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).

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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 City Administrator 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. (Ord. 2020-19, July 2020)

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 City Administrator shall submit budget recommendations for these agencies to the Non-profit Contributions Committee. (Ord. 2020-19, July 2020)

(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 City Administrator. (Ord. 2005-52, January 2006, Ord. 2020-19, July 2020)

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 \$250,000.00 and other projects as assigned by the City Administrator.

(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, Ord. 2015-12, July 2015, Ord. 2020-19, July 2020)

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.

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(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

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- (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.

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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)

CHAPTER 11

INSPECTION OR DUPLICATION OF PUBLIC RECORDS

SECTION

1-1101. Procedure for inspection or duplication of public records.

1-1102. Inspection/Duplication of Records Request form.

1-1103. Schedule of charges.

1-1101. Procedures for inspection or duplication of public records. Access to public records for viewing or copying shall be accomplished according to the following procedures:

(1) Persons requesting to inspect records must show photo identification verifying Tennessee citizenship. Requests for copies of public documents shall be made in writing on a “Inspection/Duplication of Records Request” form and processed by the City Administrator’s office. (Ord. 2020-19, July 2020)

(2) Confidential information, as defined by State law, will be kept confidential. When possible, documents containing confidential information will be redacted before being made available for inspection or copies.

(3) Each department within the City will maintain custody of the records within that department. The department with custody of the records requested, whether it be the Planning Department, the Codes Department, the Public Works Department, the Roads Department, the Finance Department, the Human Resources Department, the Parks Department, or the Executive Department, will determine, based upon their current workload, a reasonable response time, not to exceed seven (7) days, and will advise the City Recorder, who will contact the individual making the request as to when the material will be available. For records in the custody of the City Recorder, the City Recorder will notify the requestor as to a reasonable response time, not to exceed seven (7) days.

(4) Copies of information provided will be charged as per the Schedule of Charges. All fees are to be paid in full prior to delivering the copied records to the requestor. Calculation of those charges will be in accordance with the policy of the Office of Open Records Counsel of the Comptroller’s Office of the State of Tennessee. There will be no charge for the first five (5) pages of requested copies per person per month.

(5) After the first hour, the requestor shall be charged for the staff time reasonably necessary to produce copies of the requested records. Staff time includes the time spent locating, retrieving, reviewing, redacting, programming, and reproducing the record. After the first hour, all labor charges associated with a request for copies must be paid by the requestor to obtain the copies. The charge will be calculated as set forth by the Office of Open Records Counsel of the Comptroller’s Office of the State of Tennessee.

(6) There is no charge to review records; however, charges will apply for time spent locating, retrieving, redacting, and programming of the record when copies are

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requested.

(7) Custody of the original record shall not be relinquished. The person requesting to inspect the record must do so in the presence of a staff member.

(8) No cameras or personal copying equipment of any kind will be allowed. Should a copy be requested, a staff member will make the copy.

(9) Appointments will be scheduled for inspection times to ensure that staffing is available. A requestor's failure to appear for an inspection within thirty (30) minutes of the time scheduled may require the appointment to be rescheduled on another day. When copies of documents are requested, the requestor will be notified when the copies are prepared and available for pick up.

(10) Records requested of the Fire and Police Departments are exempt from this policy, except that these departments may not charge more than \$0.15 per page. (Ord. # 2013-41, October 2013)

1-1102. Inspection/Duplication of Records Request form. Requests for copies of public documents shall be made in writing on an "Inspection/Duplication of Records Request form and processed by the City Administrator's office. (Ord. 2020-19, July 2020)

INSPECTION/DUPLICATION OF RECORDS REQUEST

Requestor Instructions: To make a request for copies of public records fill in sections 1-5, and sign and date section 9 at the time the request is made. Requestors who are retrieving the requested records from the office of the records custodian in person should not sign and date section 11 until the records are received

Custodian Instructions: For requests to inspect, the **records custodian** is to fill in sections 1-6, 8, and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the requestor inspects the records. For requests for copies or duplicates, the records custodian is to fill in sections 6-8 and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the records are retrieved by or delivered to the requestor.

Note: Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.

1. Name of requestor: _____
(Print or Type; Initials of requestor are required for copy requests)

2. Form of identification provided:
 Photo ID issued by governmental entity including requestor's address
 Other: _____

3. Requestor's address and contact information:

4. Request for: inspection/access copy/duplicate
 [previously inspected on _____ (date) Or inspection waived]

5. Record(s) requested:
 Type of record: _____

a. Detailed Description of the record(s) including relevant date(s) and subject matter:

6. Request submitted to: _____
 (Name of Governmental Entity, Office, or Agency)

a. Employee receiving request: _____
 (Print or Type and Initial)

b. Date and time request received: _____

c. Response: Same day Other _____

7. Costs (if assessed):

a. Number of pages to be copied: _____ Estimated

b. Deposit Required. Amount: _____

c. Cost:

(1) per page letter or legal sized:

\$ _____ (\$0.15) per black and white

\$ _____ (\$0.50) per color;

(2) per page other sized or other medium _____

\$ _____

7. Costs continued:

d. Estimate of labor costs to produce the copy (for time exceeding 1 hour): _____

Labor at \$ _____ /hour for _____ hour(s).

Labor at \$ _____ /hour for _____ hour(s).

Labor at \$ _____ /hour for _____ hour(s).

e. Programming cost to extract information requested:

f. Method of delivery and cost: _____ Estimated

On-site pick-up U.S. Postal Service Other: _____

g. Estimate of total cost to produce request: _____

h. Estimate provided to requestor: in person by U.S.P.S. by phone
 Other: _____

8. Payment:

Form of payment: Cash Check Other _____

Amount of payment: _____

Date of payment: _____

Actual cost (and adjustment if prepaid/ less deposit):

9. _____
 Signature of Requestor Date Records Requested

10. _____
 Signature of Records Custodian Date of Receipt of Request

11. _____
 Approval from City Administrator's Office Date of Approval

12. Delivery/Retrieval of Records:

 Signature of Requestor Date Records
 Delivered/Reviewed

 Signature of Records Custodian Date Records Delivered/Reviewed

(Ord. # 2013-41, October 2013, Ord. 2020-19, July 2020)

1-1103. Schedule of Charges.

- (1) 8 ½ x 11": \$.15
- (2) 8 ½ x 14": \$.15
- (3) 8 ½ x 11" color: \$.50
- (4) 8 ½ x 14" color: \$.50
- (5) Duplex copies above rates apply
- (6) Plats (18 x 24"): \$5.00
- (7) Site Plans (18 x 24"): \$5.00
- (8) Plats (larger than 18 x 24"): \$10.00
- (9) Site Plans (large): \$10.00

(10) Cassette Tape: \$2.00

(11) DVD: \$1.00

(12) The requestor shall be charged for the staff time reasonably necessary to produce the requested records when copies are requested. Staff time includes the time spent locating, retrieving, reviewing, redacting, programing, and reproducing the record. All labor charges associated with requests for copies or records, after the first hour, must be paid by the requestor to obtain copies. (Ord. # 2013-41, October 2013)

Previous Chapter 12 – Hendersonville Horizons Removed (Ord. # 2023-17)

CHAPTER 12

CHIEF OF OPERATIONS

SECTION

- 1-1201. Position Created
- 1-1202. Appointment Process
- 1-1203. Duties
- 1-1204. Funding

1-1201: Position Created Upon taking effect, this ordinance supersedes and preempts all previous ordinances and resolutions creating and funding the position of City Administrator, including, but not limited to, ordinances 2019-14 and 2019-43. All duties and responsibilities previously delegated to the City Administrator are now invested in the Chief of Operations as allowed by law and described below.

1-1202: Appointment Process There is hereby created the position of Chief of Operations who shall be appointed by the Mayor, subject to confirmation by the Board according to the following procedures:

1. The Mayor, with the assistance of the City's Human Resource Department and any other organization, such as MTAS, shall select the appointee for the position of Chief of Operations;
2. The Board will provide its advice and consent role to the Mayor on the appointee at the next regular meeting of the Board following the announcement. The appointee shall be confirmed if the majority of the Board votes to confirm. If the vote fails, the process will begin anew;
3. The candidate must possess at least a relevant bachelor's degree from an accredited college or university. Advanced degrees are preferred with course work in public administration, law or finance;
4. The candidate must possess at least 5 years of business management or government leadership experience;
5. The position shall be classified as an exempt employee;
6. Only the Mayor has the authority to dismiss or discipline the Chief of Operations; and
7. The Chief of Operations may appeal his/her dismissal or discipline by the Mayor to the Board. A majority vote by the Board is required to overturn the dismissal or discipline by the Mayor.
8. If the position of Chief of Operations becomes vacant, the mayor is to appoint a current Hendersonville department head to serve as Acting Chief of Operations. That person will step down upon the Board's confirmation of a person to serve as the permanent Chief of Operations as outlined in Section Two, paragraph 2. The

mayor will submit a person for the position for the Board's approval within sixty days of the position being vacated.

1-1203: DUTIES The Chief of Operations shall report to the Mayor but have specific duties and responsibilities to the Board as described below:

1. Supervise the day-to-day operations and administer the business of the City;
2. Shall conduct regular staff meetings of department heads;
3. Facilitate communications between the Mayor and Board by providing to the Board timely reports as requested on matters such as budget and personnel issues, and ways to improve the operations of the city;
4. Coordinate the efficient and effective operations of the departments to ensure the citizens of the City are receiving responsive and quality services;
5. Be responsible for purchasing by acting as the final staff approval on all purchases (Other than final approval, all other duties and authority related to purchasing may be delegated as seen fit);
6. Make recommendations to Mayor and Board on the filling of department head vacancies;
7. Shall work with department heads to establish and recommend to the Board a multi-year departmental strategic plan;
8. Annually evaluate all department heads and provide a report to the Board;
9. Employ, supervise, promote, discipline, suspend, and discharge all employees in accordance with personnel policies and procedures, if any, adopted by the Board. Department heads shall be promoted, disciplined, suspended, or discharged by the Chief of Operations. The management review ordinance, Ordinance 1988-6, is hereby amended to provide coverage for all current and future department heads, and to allow grievances of department heads to be filed regarding actions of either the Chief of Operations, or the Mayor.
10. Advise the Mayor and Board as to the condition and needs of the City;
11. Shall attend the regularly scheduled Board meetings and any committee meetings deemed necessary;
12. Recommend specific personnel positions, as may be required, for the needs and operations of the City, and propose personnel policies and procedures for approval of the Board; and
13. Any other duties as assigned by the Mayor.

1204: Funding

1. The position of the Chief of Operations shall be funded along with all other City employees in the City's annual operating budget;
2. This ordinance shall take effect at the time of confirmation of the Chief of Operations.

¹Job description available in Human Resources Office

(Revised 1/2021 per Ord 2020-53; 02/2023 per Ord 2023-03, 9/2023 per Ord 2023-17)