

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. CITY COUNCIL.
2. MAYOR.
3. CITY MANAGER.
4. CITY JUDGE.
5. CITY ATTORNEY.
6. TREASURER.
7. RECORDER.
8. CODE OF ETHICS.

**CHAPTER 1**

**CITY COUNCIL<sup>2</sup>**

**SECTION**

- 1-101. Councilmanic wards.
- 1-102. Time and place of regular meetings.
- 1-103. Order of business.
- 1-104. General rules of order.
- 1-105. Ordinance adoption procedure.

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<sup>1</sup>Charter 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: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter reference

City council: art. III, § 1.

**1-101. Councilmanic wards.**<sup>1</sup> The territory within the corporate limits of the City of Lewisburg shall be divided into five (5) wards numbered FIRST through FIFTH inclusive, the boundaries and designations of each being as follows<sup>2</sup>:

- (1) Deleted.
- (2) Deleted.
- (3) Deleted.
- (4) Deleted.
- (5) Deleted. (1985 Code, § 1-101, as amended by Ord. #02-08, Sept. 2002, and Ord. #12-06, Aug. 2012)

**1-102. Time and place of regular meetings.** The city council shall hold regular monthly meetings at 6:00 P.M. on the second Tuesday of each month at the city administration building. (1985 Code, § 1-102, as amended by Ord. #97-12, Aug. 1997; and Ord. #00-03, May 2000, modified)

**1-103. Order of business.** At each meeting of the city council the following regular order of business shall be determined by the mayor unless objected to by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Communications from the mayor.
- (4) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (5) Approval of the monthly bills.
- (6) Approval of the financial statement.
- (7) Citizen input.
- (8) Old business.
- (9) New business.
- (10) Other business.
- (11) Adjournment. (1985 Code, § 1-103, modified)

**1-104. General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 1990 (9th) 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

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<sup>1</sup>Charter references

Election of councilmen: art. III, § 4.

Wards: art. I, § 3.

<sup>2</sup>Ord. #02-08, Sept. 2002, deleted subsections (1)–(5) regarding wards and incorporated a ward map, which as been further replaced by Ord. 12-06, Aug. 2012 and is available in the city recorder's office.

not inconsistent with provisions of the charter or this code. (1985 Code, § 1-104, modified)

**1-105. Ordinance adoption procedure.** All proposed ordinances shall be read in session before the city council at three (3) different meetings on separate days and shall be enacted and passed by a majority vote of a quorum of the city council and any ordinance not so read shall be null and void. At the discretion of the mayor without objection of the majority of the councilmen present, a proposed ordinance may be presented for consideration on first, second and third reading by only reading the caption of the proposed ordinance. (1985 Code, § 1-105, as replaced by Ord. #10-04, March 2010)

## CHAPTER 2

MAYOR

## SECTION

1-201. Executive duties.

**1-201. Executive duties.** The mayor shall not have any regular administrative duties and as chief executive officer shall preside at all meetings of the city council, sign the minutes of all city council meetings and ordinances passed on third and final reading, execute all deeds, bonds, contracts, notes and other instruments in the name of the city, acknowledge the execution thereof as mayor, accept service of process for the city, and effectively exercise all such powers as may be conferred or imposed upon him by ordinance, not in conflict with the provisions of this chapter.<sup>1</sup> (1985 Code, § 1-201)

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<sup>1</sup>Charter references

Mayor and city council: art. III.

Mayor: art. V.

## CHAPTER 3

CITY MANAGER

## SECTION

- 1-301. Appointment and term.
- 1-302. Administrative head of city.
- 1-303. To be bonded.

**1-301. Appointment and term.** The city manager shall be appointed by the city council upon such terms, and such salary and for such period of time as the council may determine. (1985 Code, § 1-301)

**1-302. Administrative head of city.** The city manager shall be the administrative head of the city government under the direction and supervision of the city council, and shall perform all duties and responsibilities enumerated specifically or by implication in the charter.<sup>1</sup> (1985 Code, § 1-302)

**1-303. To be bonded.** The city manager shall be bonded in such amount as may be fixed by, and with such surety as may be acceptable to, the city council. (1985 Code, § 1-303)

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<sup>1</sup>Charter reference  
City manager: art. VII.

## CHAPTER 4

CITY JUDGE<sup>1</sup>

## SECTION

1-401. Election, qualifications and term.

1-402. Authority and duties.

1-403. To be bonded.

**1-401. Election, qualifications and term.** The office of city judge shall be an attorney-at-law licensed to practice in Tennessee, of not less than thirty (30) years of age at the time he assumes the duties of office and shall be elected for an eight (8) year term. (1985 Code, § 1-401, modified)

**1-402. Authority and duties.** The city judge shall preside over city court and shall exercise such authority and perform such duties prescribed by the charter for city judge. (1985 Code, § 1-402, modified)

**1-403. To be bonded.** The city judge shall be bonded in such amount as may be fixed by, and with such surety as may be acceptable to, the city council. (1985 Code, § 1-403, modified)

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<sup>1</sup>Charter references

City court: art. VIII.

Recorder: art. VI, § 2 and art. X.

Municipal code reference

Municipal court: title 3.

## CHAPTER 5

CITY ATTORNEY<sup>1</sup>

## SECTION

1-501. Appointment and term.

1-502. Duties.

1-503. To be bonded.

**1-501. Appointment and term.** The city attorney shall be appointed by, and serve at the pleasure of, the city council. (1985 Code, § 1-601)

**1-502. Duties.** It shall be the duty of the city attorney to represent the city in all legal matters and to perform all other duties described for the city attorney in the charter. (1985 Code, § 1-602, modified)

**1-503. To be bonded.** The city attorney shall be bonded in such amount as may be fixed by, and with such surety as may be accountable to, the city council. (1985 Code, § 1-603)

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<sup>1</sup>Charter reference  
City court: art. VIII.

Municipal code reference  
Municipal court: title 3.

## CHAPTER 6

TREASURER

## SECTION

1-601. Appointment and term.

1-602. Duties.

1-603. Treasurer and recorder.

1-604. To be bonded.

**1-601. Appointment and term.** The treasurer shall be appointed by, and serve at the pleasure of, the city council. (1985 Code, § 1-701)

**1-602. Duties.** The treasurer shall be the general supervisor of the fiscal and financial affairs of the city and shall perform all duties described for the treasurer in the charter.<sup>1</sup> (1985 Code, § 1-702)

**1-603. Treasurer and recorder.** The treasurer and recorder may be the same person if authorized by the city council.

**1-604. To be bonded.** The treasurer shall be bonded in such amount as may be fixed by, and with such surety as may be acceptable to, the city council. (1985 Code, § 1-703)

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<sup>1</sup>Charter reference  
Treasurer: art. XI.

## CHAPTER 7

RECORDER<sup>1</sup>

## SECTION

1-701. Appointment and term.

1-702. Duties.

1-703. Recorder and treasurer.

1-704. To be bonded.

**1-701. Appointment and term.** The recorder shall be appointed by and serve at the pleasure of the city council. (1985 Code, § 1-401, modified)

**1-702. Duties.** The city recorder shall keep the minutes of all city council meetings, preserve the original ordinances and resolutions in an ordinance book and resolution book, respectively, and shall perform all duties described for the recorder in the charter and conferred or imposed on him by ordinance or the city council not in conflict with the charter. (1985 Code, § 1-402, modified)

**1-703. Recorder and treasurer.** The recorder and treasurer may be the same person if authorized by the city council.

**1-704. To be bonded.** The recorder shall be bonded in such an amount as may be fixed and with such surety as may be acceptable to the city council. (1985 Code, § 1-403, modified)

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<sup>1</sup>Charter reference

Recorder: art. VI, § 2 and art. X.

## CHAPTER 8

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-801. Applicability.
- 1-802. Definition of "personal interest."
- 1-803. Disclosure of personal interest by official with vote.
- 1-804. Disclosure of personal interest in non-voting matters.
- 1-805. Acceptance of gratuities, etc.
- 1-806. Use of information.
- 1-807. Use of municipal time, facilities, etc.
- 1-808. Use of position or authority.
- 1-809. Outside employment.
- 1-810. Ethics complaints.
- 1-811. Violations.

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<sup>1</sup>State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

**1-801. Applicability.** This chapter is the code of ethics for personnel of the City of Lewisburg. 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. The words "municipal" and "city" or "City of Lewisburg" includes these separate entities. (as added by Ord. #07-03, April 2007)

**1-802. Definition of "personal interest."** (1) For purposes of §§ 1-803 and 1-804, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-03, April 2007)

**1-803. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (as added by Ord. #07-03, April 2007)

**1-804. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or

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

policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-03, April 2007)

**1-805. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #07-03, April 2007)

**1-806. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-03, April 2007)

**1-807. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the city council to be in the best interests of the city. (as added by Ord. #07-03, April 2007)

**1-808. 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.

(3) **Workplace bullying by governing body members.** A governing body member shall not intentionally bully any public employee, including the city manager and city attorney. For purposes of this subsection, workplace bullying means intentional behavior intended to create an abusive work environment for a public employee or public employees, bullying behavior is behavior in the workplace that a reasonable person would find hostile, offensive, and not obviously related to the City of Lewisburg's legitimate business interests. Workplace bullying includes, but is not limited to the following:

(a) Use of disrespectful and devaluing language, whether by derogatory remarks, insults and/or epithets; and/or

(b) Persistent or constant criticism in front of other persons (including co-workers, vendors, contractors or members of the public) for the purpose of humiliating or intimidating an employee; and/or

(c) Behavior or language that frightens, humiliates, belittles, or degrades, including criticism that is delivered with yelling and screaming.

(d) Reported violations of this policy shall be dealt with as are other violations within the code of ethics and particularly as set out in § 1-810, ethics complaints, and in § 1-811, violations. (as added by Ord. #07-03, April 2007, and amended by Ord. #14-09, Oct. 2014)

**1-809. Outside employment.** A full-time employee of the city may not accept any outside employment without written authorization from the city manager. (as added by Ord. #07-03, April 2007)

**1-810. Ethics complaints.** (1) The mayor is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city 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 mayor may request the city council to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city council, the city council 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 city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or

regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #07-03, April 2007)

**1-811. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-03, April 2007)