

**TITLE 1**

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

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. PUBLIC RECORDS.
5. CODE OF ETHICS.

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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, chapter 2.

Utilities: titles 18 and 19.

Wastewater treatment: title 18, chapter 2.

Zoning: title 14.

## CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Terms of office.
- 1-105. Compensation.
- 1-106. Repealed.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. (CST) on the last Thursday of each month at the Pegram Town Hall Building. (1990 Code, § 1-102, as amended by Ord. #2000-11, Feb. 2000)

**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, in whole or in part by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.

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#### <sup>1</sup>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.

#### Municipal code reference

Ord. #1999-6, March 1999, which increases the number of aldermen from 2 to 4 and institutes staggered terms of office, is available in the office of the recorder.

- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1990 Code, § 1-103, modified)

**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 its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1990 Code, § 1-104, modified)

**1-104. Terms of office.** In accordance with Tennessee Code Annotated, § 6-1-403 staggered four year terms of office are established for the board of mayor and aldermen as follows:

- (1) The adoption of the ordinance upon which this section is based shall not affect the terms of the present board of mayor and aldermen.
- (2) At the first municipal election following the adoption of the ordinance upon which this section is based, members of the board of mayor and aldermen shall be elected for transitional three year term.
- (3) Following the adoption of the ordinance upon which this section is based and the first election thereafter, all terms of office for mayor and aldermen shall be four (4) years. (1990 Code, § 1-101)

**1-105. Compensation.** The mayor's salary shall be twelve hundred dollars (\$1200.00) per year. The aldermen's salary shall be nine hundred dollars (\$900.00) per year. All salaries shall be paid monthly. (1990 Code, § 1-105)

**1-106. Repealed.** (as added by Ord. #2009-74, May 2009, amended by Ord. #2010-85, Sept. 2010, and repealed by Ord. #2015-103, May 2015)

## CHAPTER 2

### MAYOR<sup>1</sup>

#### SECTION

1-201. Reports.

1-202. Executes town's contracts.

**1-201. Reports.** The mayor may require such reports from town officers and employees as he/she may reasonably deem necessary to carry out the executive responsibilities of the mayor's office.<sup>2</sup> (1990 Code, § 1-201, as replaced by Ord. #2009-75, May 2009)

**1-202. Executes town's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1990 Code, § 1-202)

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<sup>1</sup>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:

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

<sup>2</sup>Charter reference

Duties of mayor: § 6-3-106.

## CHAPTER 3

### RECORDER<sup>1</sup>

#### SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-304. Compensation.

**1-301. To be bonded.** The town recorder shall be bonded in the minimum amount of fifty thousand dollars (\$50,000.00) to adequately insure the performance of his/her duties. Such bond shall be issued by an authorized company organized and existing under the laws of the State of Tennessee to write such bonds. It is not necessary that the town secure a supplemental bond for the town recorder as long as the insurance coverage provided for all town employees and officers is in an amount sufficient to insure the recorder individually in an amount equal to or greater than fifty thousand dollars (\$50,000.00) per occurrence/event. (1990 Code, § 1-301, as replaced by Ord. #2010-80, May 2010)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1990 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1990 Code, § 1-303)

**1-304. Compensation.** The compensation for the recorder shall be set by the board of mayor and aldermen and included in the annual budget. (1990 Code, § 1-304)

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<sup>1</sup>Charter 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 4

### PUBLIC RECORDS

#### SECTION

1-401. Procedures regarding access to public records.

1-402. [Deleted.]

#### **1-401. Procedures regarding access to public records.**<sup>1</sup>

(1) Consistent with the Public Records Act of the State of Tennessee, personnel of the Town of Pegram shall provide full access and assistance in a timely and efficient manner, during regular business hours, to Tennessee residents who request access to public documents, unless otherwise provided by state law.

(2) "Public record" or "records" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by the governmental entity.

(3) Employees of the Town of Pegram shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee during regular business hours. All copying of public records must be performed by employees of the town, or, in the event that town personnel are unable to copy the records, by an entity or person designated by the records custodian.

(4) To prevent excessive disruptions of the work, essential functions, and duties of employees of the Town of Pegram, persons requesting inspection and/or copying of public records shall complete a records request form to be furnished by the town. If the requesting party refuses to complete a request form, a town employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be identified, located and made available for public inspection or duplication, as provided in (3) above. All requests for public records shall be directed to the records custodian.

(5) Persons requesting access to open public records shall present a photo identification issued by a governmental entity, which includes the person's

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<sup>1</sup>The Town of Pegram Records Management Plan and Records Management Manual (and any amendments) are available in the recorder's office.

address. If a person does not possess photo identification, the records custodian may require other forms of identification acceptable to the records custodian.

(6) (a) When records are requested for inspection or copying, the records custodian has seven (7) business days to determine whether the town can retrieve the records requested, whether the requested records contain any confidential information or are otherwise specifically exempt from disclosure, and an estimate of charges for copying based upon the number of copies and labor required.

(b) Within seven (7) business days of a request for records, the records custodian shall:

(i) Produce the records requested; or,

(ii) Deny the request in writing, with an explanation for the denial; or

(iii) In the case of voluminous requests and/or records, provide the requestor, in writing, with an estimated time frame for production and an estimation of duplication costs.

(7) (a) The schedule of reasonable charges and the policy for frequent and multiple request established by the Office of Open Records Counsel (OORC) are adopted, as if set forth verbatim herein.<sup>1</sup>

(b) There is no charge assessed to a requestor for inspecting a public record. It is anticipated that delivery of copies to a requestor will be by hand delivery when the requestor returns to the custodian's office for retrieval of the requested documents. Charges for physical copies of records are as follows:

(i) Fifteen cents (\$0.15) per copy for black and white copies.

(ii) Fifty cents (\$0.50) per copy for colored copies.

(iii) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the town.

(iv) Costs related to redaction of confidential information are charged to the requestor.

(v) Delivery costs incurred by means of the United States Postal Service or other reasonably necessary delivery services are charged to the requestor.

(vi) All other costs permitted by the schedule developed by the OORC.

(c) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval and duplication are free to the requestor. Labor in excess of one (1) hour may be charged by the town, in

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<sup>1</sup>These charges and amendments thereto are available in the recorder's office.

addition to the cost per copy as provided herein above. The town may require payment in advance of producing records. Requests for copies of records may not be broken down to multiple requests for the same information to qualify for the first free hour. For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula:

In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all employees involved in the request and that will be the total amount of labor charged.

(d) During each calendar month, the records custodian may aggregate the number of requests for copies made per requestor. When the total number of requests made by a requestor within a calendar month exceeds four (4), the records custodian may begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Requests for items routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, are exempt. Disputes as to aggregation shall be brought to the OORC.

(e) The records custodian may aggregate the total number of public records requests made by a requestor and by any other individual, if the records custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity or organization, upon notifying the requestors of the determination to aggregate. The records custodian shall inform the requestors of their right to appeal the decision to aggregate to the OORC and must file a notice of aggregation of multiple requestors with the OORC.

(8) If the public records requested are frail due to age or other conditions and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection.

(9) This section does not require the record custodian or designee to sort through files to compile information; however, a person requesting such information shall be allowed to inspect non-exempt records.

(10) This section does not require the record custodian or designee to create a record that does not exist; however, the redaction of confidential information from a public record or electronic database does not constitute a



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new record. (Ord. #1998-09, Nov. 1998, as amended by Ord. #2007-46, May 2007, and replaced by Ord. #2009-72, May 2009)

**1-402. [Deleted.]** (Ord. #1998-09, Nov. 1998, modified, as deleted by Ord. #2009-72, May 2009)

## CHAPTER 5

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

#### SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. 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.

**1-501. Applicability.** This chapter is the code of ethics for personnel of the Town of Pegasus. 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 town. The words "municipal" and "town" or "Town of Pegasus" includes these separate entities. (as added by Ord. #2007-49, June 2007)

**1-502. Definition of "personal interest."** (1) For purposes of §§ 1-503 and 1-504, "personal interest" means:

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

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

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

(2) The words "employment interest" 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. (as added by Ord. #2007-49, June 2007)

**1-503. 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. #2007-49, June 2007)

**1-504. 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

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

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #2007-49, June 2007)

**1-505. 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 town:

(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. #2007-49, June 2007)

**1-506. 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. #2007-49, June 2007)

**1-507. 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 town council to be in the best interests of the town. (as added by Ord. #2007-49, June 2007)

**1-508. 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 town.

(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 are not authorized by the charter, general law, or ordinance or policy of the town. (as added by Ord. #2007-49, June 2007)

**1-509. Outside employment.** A full-time employee of the town may not accept any outside employment without written authorization from the mayor. (as added by Ord. #2007-49, June 2007)

**1-510. Ethics complaints.** (1) The town attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town 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 town 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 town attorney may request the town 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 town council, the town 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 town council determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the town 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. #2007-49, June 2007)

**1-511. 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 town council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-49, June 2007)