TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.
5. MUNICIPAL SCHOOL SYSTEM.
6. OFFICE OF TOWN ADMINISTRATOR.

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[1]Charter references

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

Municipal code references

Fire department: title 7.
Shelby County codes applicable within town: § 12-101.
Utilities: title 18.
Wastewater treatment: title 18.
Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN[1]

SECTION

1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Composition and terms.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:30 P.M. on the first Monday of each month at the town hall. (1994 Code, § 1-101, as amended by Ord. #2008-15, Feb. 2009)

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) Roll call by 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.

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[1]Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

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

(6) Reports from committees, members of the board of mayor and aldermen, and other officers.

(7) Old business.

(8) New business.

(9) Bills presented.

(10) Adjournment. (1994 Code, § 1-102)

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. (1994 Code, § 1-103, modified)

1-104. Composition and terms. (1) The town hereby establishes six (6) "at large" positions numbered one (1) through six (6) for the office of aldermen.

(2) In accordance with the provisions of Tennessee Code Annotated, § 6-3-102(b)(3), the terms of the office of the aldermen are changed from nonstaggered four (4) year terms to staggered four (4) year terms as follows:

(a) The six (6) aldermen elected at the town election in September 1999 for a term of four (4) years, and shall complete their terms of office.

(b) The six (6) positions for aldermen shall be "at large" positions numbered one (1) through six (6), as determined to be lawful.

(c) The three (3) aldermen elected for "at large" positions one (1) through three (3) in the next municipal election shall be elected for a term of four (4) years, expiring on the date of the town election in September 2007 or when their successors are elected and qualified.

(d) The three (3) aldermen elected for "at large" positions four (4) through six (6) in the next municipal election shall be elected for a term of two (2) years, expiring on the date of the town election in September 2007 or when their successors are elected and qualified.

(e) Beginning with the town election in September 2005 and each and every two (2) years thereafter, the term of office of the aldermen shall be four (4) years, or until their successors are elected and qualified.

(f) If numbered positions are determined to be unlawful then those three (3) aldermen receiving the most votes should be elected for a term of four (4) years and the remaining three (3) elected aldermen shall serve for a term of two (2) years.

(3) In accordance with Tennessee law, the Town of Arlington, Tennessee, shall restrict candidates from running for more than one (1) municipal office in any single election as well as require that any elected official whose term has not expired first resign his/her elected position prior to taking the oath of office for another elected municipal office, thus preventing any one

(1) person from ever holding two (2) elected municipal offices simultaneously. This restriction shall take effect for the next municipal election to be held in the Town of Arlington, Tennessee. (Ord. #2002-06, Nov. 2002, as amended by Ord. #2009-11, Jan. 2010)

CHAPTER 2

MAYOR[1]

SECTION

1-201. Generally supervises town's affairs.
1-202. To be bonded.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and shall perform the duties provided in the town charter.[2] (1994 Code, § 1-201)

1-202. To be bonded. The mayor shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the governing body. (1994 Code, § 1-202)

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[1]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.

[2]Charter reference
Duties of Mayor: § 6-3-106.

CHAPTER 3

RECORDER[1]

SECTION

1-301. To be bonded.
1-302. To keep minutes, etc.
1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the governing body. (1994 Code, § 1-301)

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. (1994 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 in such fireproof vault or safe as the town shall provide. (1994 Code, § 1-303)

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[1]Charter references
Recorder: § 6-4-201 et seq.
Recorder as treasurer: § 6-4-401(c).
Recorder as judge: § 6-4-301(b)(1)(C).

CHAPTER 4

CODE OF ETHICS

SECTION

1-401. Applicability.
1-402. Definition of "personal interest."
1-403. Disclosure of personal interest by official with vote.
1-404. Disclosure of personal interest in nonvoting matters.
1-405. Acceptance of gratuities, etc.
1-406. Use of information.
1-407. Use of municipal time, facilities, etc.
1-408. Use of position or authority.
1-409. Outside employment.
1-410. Ethics complaints.
1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the town. 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. (as added by Ord. #2006-13, Dec. 2006)

1-402. Definition of "personal interest." (1) For purposes of §§ 3 and 4, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #2006-13, Dec. 2006)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #2006-13, Dec. 2006)

1-404. 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. (as added by Ord. #2006-13, Dec. 2006)

1-405. 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:

(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. #2006-13, Dec. 2006)

1-406. 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. #2006-13, Dec. 2006)

1-407. 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 interests of the municipality. (as added by Ord. #2006-13, Dec. 2006)

1-408. 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. (as added by Ord. #2006-13, Dec. 2006)

1-409. 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. (as added by Ord. #2006-13, Dec. 2006)

1-410. 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 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 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 a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person 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. #2006-13, Dec. 2006)

1-411. 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. (as added by Ord. #2006-13, Dec. 2006)

CHAPTER 5

MUNICIPAL SCHOOL SYSTEM

SECTION

1-501. Municipal school board.

1-501. Municipal school board. (1) A municipal school board for the Town of Arlington shall be established in compliance with applicable state law.

(2) The municipal school board for the Town of Arlington shall consist of five (5) members to be elected from the municipality at large.

(3) In order to be eligible to be a member of the municipal school hoard for the Town of Arlington, one must be a citizen of the State of Tennessee, have achieved a high school diploma or GED and filed documentation satisfactory to the Shelby County Election Commission evidencing same, have attained the age of eighteen (18) years at the time of their election, be a resident and qualified voter of the Town of Arlington, resided within the municipality for at least one (1) year preceding the election, and otherwise meet all other requirements of applicable state law at the time one seeks election.

(4) All elections for the municipal school board for the Town of Arlington shall be conducted on a non-partisan basis.

(5) No member of the governing body of the Town of Arlington shall be eligible for election as a member of the municipal school board for the Town of Arlington.

(6) The initial terms for members of the municipal school board for the Town of Arlington shall vary in length, provided that all subsequently elected members, other than members appointed to fill a vacancy, shall be elected to four-year terms, with members elected to even numbered positions for an initial term of one (1) year and ten (10) months and members elected to odd numbered positions for an initial term of three (3) years and ten (10) months, as follows:

(a) POSITION 1: Initial three (3) year and ten (10) month term
(b) POSITION 2: Initial one (1) year and ten (10) month term
(c) POSITION 3: Initial three (3) year and ten (10) month term
(d) POSITION 4: Initial one (1) year and ten (10) month term
(e) POSITION 5: Initial three (3) year and ten (10) month term

(7) Members of the municipal school board for the Town of Arlington may succeed themselves.

(8) Vacancies occurring on the municipal school board for the Town of Arlington shall be filled by the board of mayor and aldermen by appointment of a person who would be eligible to serve as a member of the municipal school board, with such member to serve until a successor is elected and qualifies according to applicable law, the successor to be elected at the next general election for which candidates have sufficient time to qualify under applicable law.

(9) The initial municipal school board for the Town of Arlington shall take office on the first day of the first month following certification of the results of the election to select the members of the initial municipal board. (as added by Ord. #2013-09, Aug. 2013)

CHAPTER 6

OFFICE OF TOWN ADMINISTRATOR

SECTION

1-601. Office of town administrator created.
1-602. Appointment of town administrator.
1-603. Duties.
1-604. Absence.

1-601. Office of town administrator created. The office of town administrator is hereby created which shall be administered by a full time administrator. (as added by Ord. #2015-08, Aug. 2015)

1-602. Appointment of town administrator. The board of mayor and aldermen shall appoint the town administrator to serve either at their pleasure or under contract. (as added by Ord. #2015-08, Aug. 2015)

1-603. Duties. The town administrator shall perform the following duties subject to the directions and approval of the board of mayor and aldermen:

(1) Administer the business of the town;

(2) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the town;

(3) Keep the board fully advised as to the conditions and needs of the town;

(4) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed;

(5) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town;

(6) Recommend specific personnel positions, as may be required for the needs and operations of the town, and propose personnel policies and procedures for approval of the board;

(7) Attend all meetings of the board at their request;

(8) Prepare the agenda for the board meetings;

(9) Prepare the annual budget and capital programs for all funds, including estimates, recommendations and appropriation ordinances and submit same to the Board for their adoption by ordinance;

(10) Responsible for maintaining property and liability insurance;

(11) Supervising and coordinates all administrative activities of each department;

(12) Execute the directions of the board by instructing department heads accordingly and by periodic follow-up;

(13) Make recommendations to the board on policies and procedures for an efficient business-like operation of town government;

(14) Consult and cooperate with committees of the board in the administration of the town's affairs;

(15) Represent the town at official functions;

(16) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

(17) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board; and

(18) Perform such other duties as may from time to time be designated or required by the board. (as added by Ord. #2015-08, Aug. 2015)

1-604. Absence. The board may designate an officer or employee of the town as acting town administrator for the purpose of carrying out the duties and responsibilities of the position of town administrator in the event of a vacancy in the positions or the temporary absence or disability of the town administrator. (as added by Ord. #2015-08, Aug. 2015)