

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

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¹Charter references

- City attorney: art. IX.
- City council: art. II.
- City manager: art. IV.
- City recorder: art. X.
- Elections: art. III.
- Fire department: art. XVIII.
- Mayor: art. II.
- Officers and employees generally: art. V.
- Ordinances: art. VIII.

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.

1-115. Operation of concessions in city park areas.

1-101. Time and place of council meetings.¹ (1) The regular meetings of the City Council of the City of Columbia, Tennessee, shall be held at 6:30 P.M., prevailing time, on the first (1st) and third (3rd) Thursdays of each month in the council chambers of the city hall or such other place as the council shall designate. Any change in the meeting location or date shall be in accordance with the Tennessee Open Meetings Act and appropriate notice shall be provided.

(2) In the event a regular meeting is scheduled on a legal holiday recognized by the City of Columbia, the meeting shall be rescheduled and held on the immediate following Thursday at 6:30 P.M.

(3) In the event a regular meeting is scheduled on a date when the League of Cities or the Tennessee Municipal League is meeting and due to the attendance of the mayor and council members at such meeting a quorum would not be present for a regular meeting, such meeting shall be rescheduled and held on the immediate following Thursday at 6:30 P.M. (Ord. #3468, June 2002, as replaced by Ord. #3578, Nov. 2004, and Ord. #3780, Nov. 2008)

1-102. Ordinances to be numbered and kept.² All ordinances of the City of Columbia shall be numbered in consecutive order in accordance with the date of their passage and shall immediately thereafter be recorded in a well-bound book in which no other instruments shall be recorded.

Copies of all proposed ordinances shall be furnished to members of city council prior to its meeting where such ordinance is to be considered for passage on first reading. Prior to consideration of such ordinance on first reading, it shall be approved and signed by the city manager as ready for consideration on first reading. (1968 Code, § 1-102)

1-103. Construction of ordinances. The following rules of construction shall be observed for all ordinances unless a different construction is otherwise manifest from the context of a particular ordinance:

(1) The repeal of an ordinance shall not revive any ordinance existing before or at the time the ordinance repealed took effect.

(2) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution, or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(3) Words importing the singular shall include the plural and words importing the plural shall include the singular and words importing the masculine gender shall include females and corporations.

¹Charter reference
Meetings: art. II, § 2.06.

²Charter reference
Ordinances: art. VIII.

(4) The word "street" shall include all public ways, alleys, lanes, courts, squares, parkways and sidewalks and all those parts of public places which form travelled parts of highways.

(5) The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or a part of such building or land.

(6) The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land either alone or with others.

(7) The word "persons" shall include firms, companies, and corporations.

(8) The words "city council" shall mean the City Council of the City of Columbia, Tennessee, unless otherwise designated in the ordinance. (1968 Code, § 1-103)

1-104. Records of the city are public records to be preserved at city hall.¹ All records of the City of Columbia are declared to be public records, open to the inspection of the citizens of Columbia. However, no official charged with the custody of such records shall permit any book, paper, or other document or record to be taken from his office unless a summons, properly issued by some court of competent jurisdiction, shall be served upon him requiring him to exhibit such record in the court, or the city council shall, by its order, request it. All such public records shall be preserved in the city hall. (1968 Code, § 1-104)

1-105. Corporate seal. The seal of the city shall be of the following description: A circle inclosing a concentric ring within which is an eagle and shield; between the inner and outer ring in the upper section of the same shall be the words "CORPORATION SEAL" and in the lower section the word "COLUMBIA, TENNESSEE," the whole to be arranged according to the impression annexed to this code. (1968 Code, § 1-106)

1-106. Execution of deeds, leases, etc. All deeds and leases of land sold or leased by the city and all deeds, leases, agreements, indentures, assurances, and contracts made and entered into by the city and authorized by the charter and ordinances shall be signed and executed by the mayor and countersigned by the recorder with the seal of the city affixed thereto. Provided, this shall not restrict the power of the city manager to make contracts for the purchase of supplies, materials, or equipment or for services where

¹Charter reference

City recorder: art. X, §§ 10.03 and 10.04.

authorization has been granted by the board or conferred upon him by the charter and ordinances. (1968 Code, § 1-107)

1-107. Publication of ordinances, notices, etc. The official publication of any ordinance, resolution, notice, advertisement for bids, or other official communication may be made on any day of the week and as directed by the officer authorized to make such publication. (1968 Code, § 1-108)

1-108. Emergency police protection.¹ The city manager is empowered to call to his aid the entire police force and as many other persons as may be necessary to preserve the peace, or to prevent or quell any unlawful assembly or riot. All such persons so called by him while on such duty shall be subject to his orders, and a refusal to obey such orders by anyone so called shall be a misdemeanor. (1968 Code, § 1-109)

1-109. Director of public works. There is hereby created, under the Department of Public Works and Welfare established in the charter, a director of public works who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The director of public works shall be the head of the Department of Public Works and Welfare and his duties shall be, subject to the supervision and control of the city manager, all those incidental and necessary under the Department of Public Works and Welfare. (1968 Code, § 1-110)

1-110. Superintendent of streets. Subject to the supervision and control of the city manager, the superintendent of streets shall have such duties as directed to him by the director of public works in connection with the construction, improvement, repair and maintenance of the streets, sewers, and related departmental functions and such duties shall be subject to administrative control and review. (1968 Code, § 1-111)

1-111. Wards. (1) Whereas, the City of Columbia has annexed property which materially alters the population ratio between the wards, and in order to incorporate the newly annexed territory within the boundaries of one of the five wards of the City of Columbia, it is necessary that the city council change the boundaries of the five wards to include the newly annexed property.

(2) Now, therefore, pursuant to § 1.06 of the Charter of the City of Columbia, Tennessee, the City Council of the City of Columbia does hereby adopt new boundaries for the five wards of the City of Columbia which include

¹Municipal code reference
Police department: title 6.

the newly annexed areas. Said boundaries are set forth on the map which is attached as Exhibit No. 1 to this chapter and incorporated by reference herein.¹ (1968 Code, § 1-112)

1-112. Voting precincts. The following voting precincts shall be located in each ward as follows:

FIRST WARD: The McDowell School
City Hall

SECOND WARD: Court House
Highland School

THIRD WARD: Andrews School

FOURTH WARD: Fire Station No. 2
Baker Elementary School

FIFTH WARD: Recreation Center
(1968 Code, § 1-113)

1-113. Voting and elections.² All voters in city elections must register for and vote in the wards wherein they reside and must otherwise qualify as provided by the city charter and the laws governing general elections for members of the state legislature.

The city council shall appropriate from the general treasury such funds as are necessary to meet the expense of holding all city elections, including those for bond issues. (1968 Code, § 1-114)

1-114. Bonds for city officers. The bond for the city recorder as city treasurer shall be not less than \$100,000. The bond for the city manager shall be not less than \$50,000. All other officials shall be bonded in the amount of not less than \$25,000. The cost of making such bonds shall be paid by the City of Columbia. (1968 Code, § 1-115)

1-115. Operation of concessions in city park areas. In the event that concession stand facilities at any particular City of Columbia park are

¹This map is of record in the recorder's office.

²Charter reference
Elections: art. III.

leased for operation to any private individual, corporation or concern for rentals of fixed amounts or percentage of income rentals, such agreement shall provide that rentals due from said private individual, corporation or concern shall be remitted by such individual, corporation or concern on a monthly basis directly to the city recorder of the City of Columbia. The lease period shall be for not more than one year. In the event that such concession operations are contracted to one or more of the leagues operating within the parks then such agreement shall be regulated by a "Non-Exclusive Use and Occupancy Permit" as reviewed by the City of Columbia Parks and Recreation Commission and approved by the city council. League or leagues operating said concession stands shall report the disposition made by such league or leagues of all proceeds from such concession stands to the parks and recreation department director, as requested by the director.

Whoever the charge of the concession stands and facilities would also have custody of the restroom maintenance at that facility. (1968 Code, § 1-117, modified)

CHAPTER 2

CITY DEPARTMENTS

SECTION

- 1-201. Departments of government.
- 1-202. Department of sanitation.
- 1-203. Department of inspections.
- 1-204. Department of engineering.
- 1-205. Department of streets and maintenance.
- 1-206. Wastewater department.
- 1-207. Department of communications.
- 1-208. Department of management information system.
- 1-209. Department of office of emergency management.
- 1-210. Department of code administration.

1-201. Departments of government.¹ The work of the city, in all of its affairs, is classified and arranged in order that the same may be more conveniently and efficiently conducted, into the following departments:

(3) Department of Finance. This department shall have jurisdiction of the furniture and fixtures of the city hall and the city hall building, all purchases of land, general expenses, printing and advertising, taxation and equalization, miscellaneous and contingencies, city hall expenses, Students' Club Library, rent, charity, auditing, refunds and discounts, and all special items of liability against the city.

(4) Department of Public Safety. This department shall have jurisdiction of the fire department, all fire trucks and equipment, salaries and wages and general expenses, rental of fire hydrants; the police department, purchase of police equipment, salaries and general expense of the department, jail expenses, automobile or motorcycle expenses, city court, and public health.

(a) There is hereby created and established for the City of Columbia, Tennessee, in the department of public safety, the position of director of public safety who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

(b) The director of public safety shall be the head of the department of public safety subject to the supervision and control of the city manager.

(c) The duties of the director of public safety shall be the general supervision of the fire and police departments of the City of Columbia; direct supervision of the education and training of all firemen and police officers; the coordination of activities between the fire and police departments of the City of Columbia and other fire and law

¹Charter reference
Departments: arts. XVI-XVII.

enforcement agencies of other governmental entities including but not limited to the County of Maury, the State of Tennessee, and the United States of America; the establishment and maintenance of modern and efficient record keeping procedures within the fire and police departments to the end that said records may properly reflect police and fire investigations in sufficient detail to preserve an accurate history of such occurrences; and to do all things necessary and proper within the police and fire departments to facilitate and insure the public safety of life and property in the City of Columbia, Tennessee.

(d) The director of public safety shall be appointed by the city manager and shall serve at the pleasure of and under the supervision of the city manager and shall not be a civil service employee.

(e) The director of public safety shall have the power coexistent with that of the chief of the police department and the chief of the fire department to at any time temporarily suspend without pay any employee or member of either the fire or police department for a period not to exceed ten (10) days without filing charges with the civil service board against such employee, but this power to temporarily suspend shall not be exercised more often than twice in any twelve months; provided, however, that the director of public safety may not suspend the chief of the police department or the chief of the fire department without the concurrence of the city manager. If the offense is other than a minor one where suspension would not be a sufficient disciplinary measure, then it shall be the duty of such director of public safety to file charges promptly before the civil service board to be disposed of in the regular manner of preferring charges against and trying civil service employees, and pending disposition of the charges by the board, the suspension of the employee may, in the discretion of the director of public safety or board, be continued.

(f) The director of public safety shall have and possess all such other general powers as are considered necessary and proper to properly perform his duties subject always to the supervision of the city manager and otherwise limited only by the laws of the State of Tennessee, the Charter of the City of Columbia, and ordinances of the City of Columbia. (1968 Code, § 1-105)

1-202. Department of sanitation.¹ There is hereby created a new department in the City of Columbia the same being the department of

¹Municipal code reference

Refuse and trash disposal: title 17.

sanitation, and a director of sanitation who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The department of sanitation shall be responsible for the refuse collection in the City of Columbia and all other work as assigned by the city manager and the City Council of the City of Columbia. (1968 Code, § 1-118)

1-203. Department of inspections. There is hereby created a new department in the City of Columbia the same being the department of inspections, and a director of inspections who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The department of inspections shall be responsible for inspecting construction work and other inspecting and enforcement of ordinances and resolutions of the City of Columbia, pertaining to inspection, and all other work as assigned by the city manager and the City Council of the City of Columbia. (1968 Code, § 1-119)

1-204. Department of engineering. There is hereby created a new department in the City of Columbia the same being the department of engineering, and a director of engineering who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The department of engineering shall be responsible for compliance of all public works projects in the City of Columbia with federal, state and city regulations, standards and laws and compliance with proper and accepted engineering design practice, except for sanitary sewer projects, and shall be responsible for the inspections necessary to insure that compliance, and all other work as assigned by the City Manager and the City Council of the City of Columbia. (1968 Code, § 1-120)

1-205. Department of streets and maintenance.¹ There is hereby created a new department in the City of Columbia, the same being the department of streets and maintenance, and a director of the department of streets and maintenance who shall be appointed by and serve at the will of the City of Columbia, Tennessee. (1968 Code, § 1-122)

1-206. Wastewater department.² There is hereby created a department in the City of Columbia, the same being the wastewater

¹Municipal code reference
Streets and sidewalks, etc.: title 16.

²Municipal code reference
Water and sewers: title 18.

department, and a wastewater department director who shall be appointed and serve at the will of the City Manager of the City of Columbia, Tennessee.

The wastewater department shall be responsible for the wastewater treatment plant and all pump stations, the installation and maintenance of all sewer lines, all connections to sewer lines, the construction and maintenance of all future sewer lines and any expansions or improvement to the existing wastewater treatment plant or collection system. The wastewater department shall be responsible for compliance of all public sewers or potential public sewers with all provisions of federal, state and city laws, regulations, ordinances, engineering standards and proper accepted engineering practice, and shall be responsible for all plan review and inspections necessary to enforce such compliance, and such other duties as the city manager or the city council may from time to time prescribe. The wastewater department director shall approve and recommend acceptance of sanitary sewage public works projects to the city council before their acceptance by resolution. (1968 Code, § 1-123)

1-207. Department of communications. (1) There is hereby created in the organization of the City of Columbia, Tennessee, a department of communications to be responsible for the adequate and proper release of information to the public with reference to the functions of city government.

(2) There is hereby created in the department of communications the position of director of said department. (1968 Code, § 1-125)

1-208. Department of management information system. There is hereby created in the organization of the City of Columbia, Tennessee, a department of management information system, to be responsible for all technical support of the entire computer network, telecommunication system and software applications. (as added by Ord. #3764, Sept. 2008)

1-209. Department of office of emergency management. There is hereby created in the organization of the City of Columbia, Tennessee, a department of office of emergency management, to be responsible for administering and directing a program of comprehensive emergency management. (as added by Ord. #3764, Sept. 2008)

1-210. Department of code administration. There is hereby created in the organization of the City of Columbia, Tennessee, a department of code administration, to be responsible for enforcing all building and property maintenance codes throughout the City of Columbia. (as added by Ord. #3764, Sept. 2008)

CHAPTER 3

CODE OF ETHICS¹

SECTION

- 1-301. Applicability.
- 1-302. Definition of "personal interest."
- 1-303. Disclosure of personal interest by official with vote.
- 1-304. Disclosure of personal interest in non-voting matters.
- 1-305. Acceptance of gratuities, etc.
- 1-306. Use of information.
- 1-307. Use of municipal time, facilities, etc.
- 1-308. Use of position or authority.
- 1-309. Outside employment.
- 1-310. Ethics complaints.

¹State 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.

1-311. Violations.

1-301. 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. (as added by Ord. #3661, Oct. 2006)

1-302. Definition of "personal interest." (1) For purposes of §§ 1-303 and 1-304, "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. #3661, Oct. 2006)

1-303. 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 himself¹ from voting on the measure. (as added by Ord. #3661, Oct. 2006)

1-304. 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

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

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. #3661, Oct. 2006)

1-305. 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. #3661, Oct. 2006)

1-306. 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. #3661, Oct. 2006)

1-307. 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. #3661, Oct. 2006)

1-308. 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. #3661, Oct. 2006)

1-309. 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. #3661, Oct. 2006)

1-310. 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 the governing body 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 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.

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

(3) 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. #3661, Oct. 2006)

1-311. 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. #3661, Oct. 2006)