

HOUSE BILL 1619

By Sexton C

AN ACT to amend Chapter 253 of the Acts of 1903; as amended and rewritten by Chapter 140 of the Private Acts of 1963; Chapter 18 of the Private Acts of 1973 and Chapter 46 of the Private Acts of 1998; and any other acts amendatory thereto, relative to the charter of the Town of Pleasant Hill.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 253 of the Acts of 1903, as amended and rewritten by Chapter 140 of the Private Acts of 1963, Chapter 18 of the Private Acts of 1973, and Chapter 46 of the Private Acts of 1998, and any other acts amendatory thereto, being the charter of the Town of Pleasant Hill, are deleted and replaced by the following charter:

ARTICLE I

CHARTER, TOWN LIMITS, AND CORPORATE POWERS

SECTION 1. Charter, Town limits, and corporate powers. Be it enacted by the General Assembly of the State of Tennessee, That the Charter of the Town of Pleasant Hill, Cumberland County, Tennessee, being Chapter 253 of the Private Acts of 1903, and all acts amendatory thereto, be and hereby is amended to read as provided in this Act, and thus amended to read, shall constitute the complete Charter. All obligations and benefits under contracts made under the Charter which this Charter replaces shall be continued.

SECTION 2. Name. Be it further enacted, That the Town of Pleasant Hill, in Cumberland County, Tennessee, and the inhabitants thereof, be and the same are hereby continued as a body politic and corporate under the name and style of "Town of Pleasant Hill," and shall have perpetual succession; that by this name and style may sue and be sued, plead and be impleaded, contract and be contracted with, grant, receive,

purchase and hold, personal, real and mixed property, and dispose of the same for the benefit of said Town, and may have a corporate seal.

SECTION 3. Town limits. Be it further enacted, That the boundaries of the Town shall be those fixed by Chapter 253 of the Private Acts of 1903, all Acts amendatory thereof, and annexations or detachments made pursuant to general law.

SECTION 4. Corporate powers. Be it further enacted, That all powers granted to municipalities incorporated under general law, Tennessee Code Annotated, Section 6-2-201, and to cities incorporated under the City Manager-Commission Charter, Tennessee Code Annotated, Title 6, Chapters 18-22, and all other general laws delegating powers to municipalities are hereby adopted by reference and made a part of this Charter unless the state law conflicts with this Charter, and the repeal of any of the state laws shall have no effect on this Charter unless the repealing law expressly denies the power to municipalities.

## ARTICLE II

### TOWN COUNCIL

SECTION 1. Election of Mayor and Councilmember.

(a) On the second Saturday in April of 1991 a Mayor and four (4) Councilmembers shall be elected for a term which shall expire on the date of the general election for the State of Tennessee held in November 1994, or until their successors are elected and qualified.

(b) On the date of the regular November election in 1998, a Mayor and four (4) Councilmembers shall be elected. The candidate for Mayor who receives the highest number of votes shall be elected for a term of four (4) years with the term expiring in November 2002. At the same election, the two (2) candidates for Council who receive the highest number of votes shall be elected to terms of four (4) years, with their terms expiring in November 2002. The two (2) candidates for Council who receive the next two (2) highest number of votes

shall be elected for terms of two (2) years, with their terms expiring in November 2000. At the regular November election in 2000, the terms of the two (2) candidates for Council who receive the highest number of votes shall be elected for a term of four (4) years, and the terms of the two (2) Council positions shall be for four (4) years thereafter. After the transitional terms, the regular municipal election shall be held on the date of the regular November election. The Mayor and Council shall serve their designated terms or until their successors are elected and qualified.

(c) All elections shall be nonpartisan. Any person registered and qualified to vote in state and county elections and who has been a resident of the Town for at least one (1) year shall be qualified to be a candidate for the office of Mayor or Councilmember.

(d) Each voter shall be entitled to vote for one (1) candidate for Mayor and for four (4) candidates for Councilmembers. The candidate for Mayor receiving the highest number of votes, and the four (4) candidates for Councilmembers receiving the highest number of votes, shall be declared elected.

(e) Any person convicted of giving or promising any person any office, employment, money, benefit, or anything of value by or on behalf of any candidate for office in violation of the general elections laws of the state shall be ineligible to hold office or position of employment in the Town government for a period of five (5) years.

SECTION 2. Town Council. Be it further enacted, That:

(a) The Mayor and four (4) Councilmembers elected under this Charter shall compose the Town Council, in which is vested all corporate, legislative, and other powers of the Town, except as otherwise provided in this Charter.

(b) Beginning with the November 2022 election, the Mayor shall be compensated by the amount of two hundred dollars (\$200) per month, and the Councilmembers shall be compensated by the amount of fifty dollars (\$50.00) per month. The Mayor and Councilmembers may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties when authorized or approved by the Council. The new compensation levels for the Mayor and Councilmembers are effective in their next term of office.

(c) The Council shall meet regularly every month and shall meet in special session on call of the Mayor or any two (2) Councilmembers.

(d) A majority of the Council shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in minutes.

(e) The Council may subpoena and examine witnesses and order the production of books and papers.

SECTION 3. Mayor as presiding officer. Be it further enacted, That the Mayor shall preside at meetings of the Council, and shall have a vote on all matters but no veto power. The Mayor shall be recognized as the ceremonial head of the Town. The Mayor shall be the officer to be served with and accept process against the Town and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 4. Vice-Mayor. Be it further enacted, That the Council may elect from its membership a Vice-Mayor to serve in place of the Mayor for each occasion when the Mayor is absent or unable to perform the duties of the Mayor. The Vice-Mayor shall have the same power, authority, and duties as the Mayor.

SECTION 5. Vacancy in the office of Mayor and Councilmember. Be it further enacted, That a vacancy shall exist if the Mayor or a Councilmember resigns; dies; moves outside the corporate limits of the Town; is convicted of malfeasance or

misfeasance in office, a felony, a violation of this Charter or election laws of the State, or a crime involving moral turpitude; fails to attend any meetings of the Council for ninety (90) days with no extenuating circumstances; or has been continuously disabled for a period of ninety (90) days so as to prevent the Mayor or Councilmember from discharging the duties of the office. The Council shall by resolution declare a vacancy to exist for any of these reasons, and such finding shall be final.

Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the Town for a period of ten (10) years thereafter. The remaining members of the Town Council shall appoint a qualified person to fill a vacancy in the office of Mayor or Councilmember for the remainder of the unexpired term. If a vacancy in the office of Councilmember is not filled within thirty (30) days, the Mayor shall appoint a qualified person to fill the vacancy.

SECTION 6. Restrictions on Councilmembers. Be it further enacted, That the Council shall act in all matters as a body and all Council meetings shall be open to the public.

SECTION 7. Town legislation. Be it further enacted, That:

(a) Any action of the Council having a regulatory or penal effect, relating to taxation, or the appropriation of over one thousand five hundred dollars (\$1,500), awarding franchises or contracts over one thousand five hundred dollars (\$1,500), or authorizing the borrowing of money shall be done only by ordinance.

Ordinances shall be in written form before being introduced, and a copy shall be furnished to each member of the Council seven (7) days in advance of the meeting at which introduced. Every ordinance, except an emergency ordinance must be approved on two (2) readings not less than one (1) week

apart and shall become effective immediately unless its terms provide for a later effective date.

To meet a public emergency affecting life, health, or property, an emergency ordinance may be adopted on two (2) readings on separate days and become effective immediately by the affirmative vote of four (4) members of the Council.

(b) The Council shall have the general and continuing ordinances of the Town assembled into an official code, a copy of which shall be currently kept up-to-date in a book and shall be available to the public.

(c) Standard codes may be adopted by ordinances which contain only references to titles, dates, and issuing organizations, and such changes to the standard codes as the Council may deem desirable. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the Council.

(d) The original copies of ordinances, resolutions, and other documents shall be filed and preserved by the person acting as clerk of the Council.

### ARTICLE III

#### ORGANIZATION AND PERSONNEL

SECTION 1. Organization of Town government. Be it further enacted, That the Council may appoint by resolution such officers and employees as it deems necessary for the dispatch of municipal business, may fix or change their duties and the amount of their remuneration, and may discharge them when it deems their services to be unsatisfactory or no longer needed.

SECTION 2. Administrative duties of Mayor. Be it further enacted, That the Mayor shall be the executive head of the Town government, responsible for the efficient and orderly administration of the affairs of the Town.

SECTION 3. Oath of office. Be it further enacted, That before a person takes any office in the Town government, the person shall subscribe to the following oath or affirmation, administered by anyone authorized to administer an oath.

"I solemnly swear (or affirm) that I will support the constitution and obey the laws of the United States and of the State of Tennessee, that I will in all respects observe the provisions of the Charter and the ordinances of the Town of Pleasant Hill, and that I will faithfully discharge the duties of the Office of \_\_\_\_\_

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SECTION 4. Official bonds. Be it further enacted, That the Mayor and every officer, agent, and employee of the Town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Council, shall give a fidelity bond or faithful performance bond, as determined by the Council, with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by the Council. The cost of such bonds shall be paid by the Town.

SECTION 5. Municipal court. Be it further enacted, That there is hereby created a municipal court for the Town of Pleasant Hill, to be presided over by a municipal judge. A municipal judge shall be appointed by, and shall serve at the will of, the Council. The sole compensation of the municipal judge shall be a salary to be fixed by ordinance. The municipal judge shall have jurisdiction in and over all cases for the violation of the laws and ordinances of the Town. No fine imposed by the municipal judge shall exceed fifty dollars (\$50.00). The Council may by ordinance provide for reasonable court costs necessary to support the maintenance and operation of the municipal court. Neither the compensation of the municipal judge nor the compensation of any officer or employee shall be related in any way to the amount of costs or other money collected by the municipal court.

SECTION 6. Docket. Be it further enacted, That the municipal judge shall keep or cause to be kept a court docket embodying complete detailed records of all cases handled by the municipal judge.

SECTION 7. Judge pro tem. Be it further enacted, That in the absence or temporary inability of the municipal judge to serve, the Mayor may designate another person to act as municipal judge.

#### ARTICLE IV

#### FISCAL ADMINISTRATION

SECTION 1. Fiscal year. Be it further enacted, That the fiscal year of the Town government shall begin on the first day of July and end on the thirtieth day of June of the succeeding year, unless otherwise provided by ordinance.

SECTION 2. Annual audit. Be it further enacted, That not later than thirty (30) days after the beginning of each fiscal year, the Council shall employ an independent, certified public accountant to make an audit of all financial records of the Town for that year. It shall be made in conformity with generally accepted accounting principles.

SECTION 3. Levy of real property taxes. Be it further enacted, That as a prerequisite to the levy of real property taxes, the Council shall adopt annually a comprehensive budget for the ensuing year, and the budget shall be observed in making the property levy. A budget message shall be prepared by the Mayor and it shall be made a part of the proposed budget.

(a) The budget ordinance shall after at least five (5) days' notice and public hearing be finally adopted before the beginning of the fiscal year.

(b) Unless otherwise required by law or contract, the real property tax shall be levied by a single rate, and all revenues shall be credited to the general fund.

(c) No levy for general corporate purposes shall exceed two dollars (\$2.00) for each one hundred dollars (\$100) valuation of taxable property.



(d) An annual levy of not more than ten cents (\$0.10) additional on each one hundred dollars (\$100) valuation of taxable property may be levied to be used exclusively for operation and maintenance of the Town cemetery or to acquire additional land for cemetery purposes. The proceeds of this tax shall be kept in a special fund to be known as the "cemetery fund", and shall not be used for any other purposes.

SECTION 4. Be it further enacted, That all purchases and contracts for more than five thousand dollars (\$5,000) shall be awarded to the lowest possible responsible bidder meeting specifications, after publication, advertisement, and competition, as may be prescribed by ordinance; but no contract for any public work or improvement costing over five thousand dollars (\$5,000) shall be awarded except on condition that the contractor give bond with some bonding company authorized to do business in the State of Tennessee as surety, in sum equal to the contract price.

#### ARTICLE V

##### INTER-GOVERNMENTAL COOPERATION AND CONTRACTING

SECTION 1. Authority to contract with other political bodies. Be it further enacted, That in addition to other powers granted in this Charter, the Town Council shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elected or appointed official thereof, or with any duly authorized agency of the federal, State, or County government, for the exercise of any power or function which the Town is authorized to undertake by this Charter.

#### ARTICLE VI

##### MISCELLANEOUS PROVISIONS

SECTION 1. Other general laws may be used by Town. Be it further enacted, That notwithstanding any provision of this Charter, the Town Council may elect to operate under or adopt any general law or public act available to municipalities of the State, in lieu of or in addition to provisions of this Charter.

SECTION 2. Penalties. Be it further enacted, That the violation of any provision of this charter, for which a penalty is not specifically provided, is hereby declared to be a misdemeanor, and the persons guilty of such violations shall be referred to the proper authorities by the decision of the Council.

SECTION 3. Severability. Be it further enacted, That if any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Pleasant Hill. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.