

HOUSE BILL 1834

By Ferguson

AN ACT to amend Chapter 13 of the Private Acts of 1979; as amended by Chapter 22 of the Private Acts of 1991, Chapter 137 of the Private Acts of 1994; and any other acts amendatory thereto; relative to the town of Oliver Springs.

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

SECTION 1. Chapter 13 of the Private Acts of 1979, and any other acts amendatory thereto, is amended by adding the following language as a new Section 15 and redesignating the current Section 15 and remaining sections accordingly:

Section 15.

(a). City Manager. The Town Council shall appoint a chief administrative officer of the town who shall be entitled City Manager. The City Manager shall be selected on the basis of training, experience, and other professional qualifications for the office and without regard to political preference or place of residence at the time of appointment.

Should the City Manager be unable to perform the duties of the office for thirty (30) consecutive days due to illness or disability, the Town Council may appoint a person to assume the office during the period of the City Manager's absence.

The City Manager shall be responsible to the Town Council for the administration of the following departments: Fire, Library, Parks and Recreation, Public Works, and Water, and for carrying out the policies adopted by the Town Council. Except for the purpose of inquiry, the Town Council and its members shall deal with the employees of the Fire, Library, Parks and Recreation, Public Works, and Water Departments solely through the City Manager.

The City Manager shall supervise the administrative affairs of the departments under his authority. The City Manager shall be charged with the preservation of health and the safety of persons and properties, and the enforcement of ordinances, and franchises, and the development and utilization of the Town resources. The City Manager shall make reports and recommendations to the Mayor and Council, and may take part in discussion of all matters coming before Town Council, but shall not have the right to vote. The City Manager shall be responsible for the purchasing of departments under his authority, shall be in charge of the management of town property and equipment utilized by departments under his authority, and shall have charge of the general administration of the financial affairs of the departments under his authority. He shall prepare a town budget as required by law to be submitted to the Town Council for approval.

The administrative organization of the Town shall be divided into departments as necessary to provide for general government, Finance, Health, Welfare, Police, Recreation, Fire, Library, Public Works, and other municipal services. These departments, with the exception of the Finance and Police Departments, shall be organized under the authority of and report directly to the City Manager, and such organization approved by the Town Council.

The City Manager shall develop and manage the personnel system for the departments under his authority so as to employ those persons best qualified to perform the functions of the Town. The City Manager shall have the power to hire, train, supervise, transfer, promote, demote, suspend, or terminate any town employee under his authority. All new hires are to be confirmed by Town Council prior to being hired by the City Manager. The City Manager may authorize the heads of departments to advertise openings, solicit applications and resumes, interview applicants, and bring final recommendations to him or her for approval. The City Manager may establish positions within the departments as deemed necessary. The City Manager may develop job descriptions and a system of job classifications for positions, and may delegate this authority to heads of departments. The City Manager may combine, or may personally

hold any position under his authority and may delegate any duties. The City Manager shall develop and annually review a comprehensive pay plan which shall be submitted to the Town Council for adoption. The compensation of specific employees, except as otherwise provided, shall be set by the City Manager and shall be in accordance with the comprehensive pay plan and within the limits of budget appropriations set by Town Council.

The City Manager shall serve at the pleasure, and under the general supervision of, the Mayor. Disciplinary action may be taken by the Mayor against the City Manager under the same rules governing all town employees, up to and including termination. Termination of the City Manager may be appealed to the Town Council within thirty (30) days.

(b). Fire Department. There is hereby established a Fire Department administered by a Fire Chief, under the authority of the City Manager. The City Manager shall appoint the Fire Chief, after confirmation from the Town Council, who shall serve at the will and pleasure of the City Manager. The Fire Chief shall be appointed based on educational and experiential qualifications.

(c). Library. There is hereby established a Library Department administered by a Librarian, under the authority of the City Manager. The City Manager shall appoint the Librarian, after confirmation from the Town Council, who shall serve at the will and pleasure of the City Manager. The Librarian shall be appointed based on educational and experiential qualifications.

(d). Parks and Recreation Department. There is hereby established a Parks and Recreation Department administered by a Parks and Recreations Director, under the authority of the City Manager. The City Manager shall appoint the Parks and Recreation Director, after confirmation from the Town Council, who shall serve at the will and pleasure of the City Manager. The Parks and Recreations Director shall be appointed based on educational and experiential qualifications.

(e). Public Works Department. There is hereby established a Public Works Department administered by a Public Works Director. The City Manager shall appoint

the Public Works Director, after confirmation from the Town Council, who shall serve at the will and pleasure of the City Manager. The Public Works Director shall be appointed based on educational and experiential qualifications.

(f). Water Department. There is hereby established a Water Department administered by a Water Director. The City Manager shall appoint the Water Director, after confirmation from the Town Council, who shall serve at the will and pleasure of the City Manager. The Water Director shall be appointed based on educational and experiential qualifications.

SECTION 2. Chapter 13 of the Private Acts of 1979, as amended any other acts amendatory thereto, is amended by deleting the former Section 15 (new Section 16) and substituting instead the following:

Section 16.

The Town Council shall select and appoint a Chief of Police. The Chief of Police shall be a person, especially qualified for the duties incumbent upon him and shall hold office for an indefinite term.

The Chief of Police shall serve under the day to day supervision, and at the will and pleasure of the Mayor. The Chief of Police retains the right to appeal termination to the Town Council at the next regularly scheduled meeting.

SECTION 3. Chapter 13 of the Private Acts of 1979, and any other acts amendatory thereto, is amended by deleting the first two (2) sentences of the former Section 17 (new Section 18) and substituting instead the following:

Section 18.

The Town Council shall establish a Police Department for the town of Oliver Springs. The Chief of Police has the authority to hire, fire, transfer, promote and demote employees of the town under his authority. All new hires are to be confirmed by the Town Council prior to being hired by the Chief of Police. All Police Department employees serve at will, and retain the right to appeal termination to the Town Council within thirty (30) days. Except for the purpose of inquiry, the Town Council and its

members shall deal with the employees of the Police Department solely through the Chief of Police.

SECTION 4. Chapter 13 of the Private Acts of 1979, as amended by Chapter 137 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by adding the following new subdivision to former Section 19 (new Section 20):

(30) To hear appeals of termination, and to overturn termination if the desire to do so is expressed by Town Council with a majority vote. All appeals must be made to Town Council within thirty (30) days of termination.

SECTION 5. Chapter 13 of the Private Acts of 1979, as amended by Chapter 22 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by adding the following new paragraph to former Section 20 (new Section 21):

The Mayor shall have day-to-day supervisory authority over the City Manager and the Chief of Police, and shall have disciplinary authority over both positions, up to and including termination.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Oliver Springs. Its approval or nonapproval shall be proclaimed by the presiding officer of Oliver Springs and certified to the secretary of state.

SECTION 7. 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 6.