

HOUSE BILL 2072

By Gant

AN ACT to amend Chapter 167 of the Private Acts of 1994; and any other acts amendatory thereto, relative to the charter of the Town of Oakland.

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

SECTION 1. Section 2 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting subsection 3 and substituting instead the following:

3. "Board of Mayor and Aldermen" and "Board" means the legislative body of the Town elected as provided in this Charter.

SECTION 2. Section 4 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting subsection 24 and substituting instead the following:

24. Prohibit the discharge of air rifles or pistols, "BB" guns, slingshots, firearms and similar weapons and things that shoot pellets, balls, or other objects within the municipality, consistent with Tennessee law and state regulations.

SECTION 3. Section 5 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Municipal Elections, Start of Term and Oath of Office

SECTION 5. Be it further enacted that beginning in 2020 a non-partisan election shall be held on the first (1st) Tuesday after the first (1st) Monday in November of every even-numbered year concurrent with the regular election to elect a Board of Mayor and Aldermen. Terms of office for the Mayor and Aldermen shall begin upon their swearing-in at the next regularly scheduled meeting following certification of election results by the election commission.

On the first (1st) Tuesday after the first (1st) Monday in November 2020, there shall be elected a mayor and five (5) aldermen, the mayor and two (2) aldermen receiving the highest number of votes shall hold office for four (4) years, and the other three (3) aldermen for two (2) years. The term of the mayor and all aldermen thereafter elected shall be for four (4) years, or until their successors are elected and qualified.

If, according to the 2020 federal census or any subsequent census, the population of the Town is eighteen thousand (18,000) or more, the Board shall have the option to increase the number of aldermen to six (6) by ordinance. After the adoption of such an ordinance, in the next regular November city election, voters shall be entitled to vote for three (3) aldermen, or four (4) aldermen, as the case may be.

Nothing in this Section 5 shall be construed to remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected.

Before a person takes any office in the Town government, he shall subscribe to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution and will 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 ordinances of the Town of Oakland, and that I will faithfully discharge the duties of the office of _____."

Any qualified elector who has been a resident of the Town for at least one (1) year may be qualified as a candidate for Mayor or Alderman.

SECTION 4. Section 7 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the language "four (4)" in subsection 1.

SECTION 5. Section 8 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Mayor

SECTION 8. Be it further enacted, that the Mayor shall:

1. Preside at meetings of the Board;

2. Have a vote only in the event of a tie, then he shall cast the vote breaking the tie;
3. Be the ceremonial head of the Town;
4. Sign ordinances and resolutions on their final passage;
5. Sign deeds, bonds and contracts when authorized by the Board to do so;
6. Be the officer to accept process against the Town;
7. Not have any regular administrative duties; and
8. Perform only such duties as shall be specifically conferred or required by law.

SECTION 6. Section 9 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Vice-Mayor

SECTION 9. Be it further enacted, that there shall be a Vice-Mayor who shall be selected at the first meeting after each election by the Board from among their number. If any additional compensation is paid to the Vice-Mayor, that compensation shall be set by the Board before the general election. The term of office for the Vice-Mayor shall be for a period of two (2) years. The Vice-Mayor shall perform the duties of the Mayor during his temporary absence or inability to act. In the case of a vacancy in the office of Mayor, the Vice-Mayor shall fill out the unexpired term. If the Vice-Mayor is filling out a term in the office of Mayor, his position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in Section 10. The Board shall select another of their number to fill out the unexpired term of the Vice-Mayor.

SECTION 7. Section 10 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 10. Be it further enacted, that the Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his residence from the Town, is convicted of malfeasance or misfeasance in office or a felony and after an affirmative court order is entered in any ouster proceeding brought

under Tennessee law. The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy is declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term.

SECTION 8. Section 11 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section.

SECTION 9. Section 14 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Town Manager

SECTION 14. Be it further enacted, that the Board of Mayor and Aldermen shall appoint and fix the salary of the Town Manager, who shall serve at the will of the Board of Mayor and Aldermen.

The Board of Mayor and Aldermen shall designate an administrative officer of the town as acting Town Manager to serve during any temporary absence or disability of the manager.

The Town Manager shall be the chief administrative officer of the Town; responsible to the Board of Mayor and Aldermen for the direction and administration of all offices, departments, and activities placed in his charge by this Charter or the Board of Mayor and Aldermen. The Board of Mayor and Aldermen and its members shall deal with the administrative services of the Town solely through the Town Manager, and neither the Board of Mayor and Aldermen nor any member thereof shall give orders to any of the subordinates of the Town Manager, either publicly or privately. The powers and duties of the Town Manager shall be:

1. To appoint, remove or otherwise discipline all department heads and all subordinate officers and employees, in accordance with any personnel rules and regulations adopted by ordinance or resolution of the Board. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department or office;

2. To see that all laws and ordinances, subject to enforcement by him or by officers subject to his direction, are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted;

3. To attend all Board of Mayor and Aldermen meetings and to have the right to take part in any discussions, but not to vote;

4. To prepare and submit an annual operating budget and an annual capital budget update to the Board of Mayor and Aldermen at the appropriate time;

5. To submit to the Board of Mayor and Aldermen a complete report on the financial condition of each department of the town at the end of each month;

6. To make such other reports on the activities of the Town as the Board of Mayor and Aldermen may require or as he sees the need for and to make such recommendations as in his opinion, are necessary to improve the effectiveness and efficiency of the Town's operations or as needed for the overall good of the Town;

7. To make all purchases for the Town, consistent with Section 19 of this charter; and

8. To perform other duties required by this Charter or the Board of Mayor and Aldermen.

SECTION 10. Section 15 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Town Recorder

SECTION 15. Be it further enacted, that the Town Manager shall appoint a Town Recorder, who also may be appointed to the position of Finance Director. The Recorder shall keep and preserve the Town seal and all official records not required by law or ordinance to be filed elsewhere; to attend all meetings of the Board and to maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and to prepare and certify copies of official records. The

Recorder shall maintain the Oakland Municipal Code in a current and usable manner and shall furnish the Mayor and each Alderman with a copy of said code upon his assuming office for his use during his term of office.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and entered on the tax books the payment of taxes on the date on which they are collected.

The Recorder shall serve as Treasurer and as such shall receive and keep safely all funds of the Town and shall pay out same upon warrants signed by him and the Mayor.

SECTION 11. Section 17 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 17. Be it further enacted, that a Town Judge shall be appointed by the Board. The Judge shall not be less than thirty (30) years of age. The jurisdiction of the Town Judge shall extend to the trial of all offenses against the ordinances of the Town, and costs in such trials shall be fixed by ordinance. The Town Judge shall have power to levy fines and costs, to issue all necessary process, to administer oaths, and to maintain order consistent with state law. The sole compensation for serving as Town Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the Town and shall be paid into the Town treasury. Receipts of the town court shall be deposited with the Recorder and the Town Judge shall make monthly reports thereof to the Board. The Town Judge shall keep a docket of all cases handled by him. The Town Judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the Town shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 12. Section 19 of Chapter 167 of the Private Acts of 1994, is amended by deleting the section in its entirety and substituting instead the following:

Competitive Bidding and Purchasing Procedures

SECTION 19. Be it further enacted that the Town Manager shall be responsible for all Town purchasing, but he may delegate the duty to make purchases to any

subordinate appointed by him. Competitive prices for all purchases and public improvements shall be obtained whenever practical and in accordance with procedures and regulations established by ordinance. Such ordinance shall:

1. Set the public advertising and competitive bid limit not to exceed the amount set by state law;
2. Set at forty percent (40%) of the public advertising and competitive bid limit, an amount where no advertisement is required, but shall whenever possible obtain three (3) competitive bids and below which no advertisement or competitive bidding is required;
3. Set Procedures for public advertising, securing, and opening bids; and
4. Set any exemptions from competitive bidding, which must be substantially similar to those listed in Tennessee Code Annotated, Section 6-56-304, except that any dollar amounts listed must be in accordance with the Town's ordinances.

SECTION 13. Section 30 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

City Property and Equipment

SECTION 30. Be it further enacted that the Board of Mayor and Aldermen shall have the authority to dispose of all property, real or personal. The management of all town property and equipment shall be the responsibility of the Town Manager who shall prepare for the approval of the Board regulations governing the disposal of all such surplus property and equipment.

SECTION 14. Section 31 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 31. Be it further enacted, that each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid, unless the contract price will exceed one hundred thousand dollars (\$100,000), in which case the bid bond must be twenty-five percent (25%) of the contract price. Before any contract is awarded, the

contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, an amount equal to one hundred percent (100%) of the contract price.

SECTION 15. Section 43 of Chapter 167 of the Private Acts of 1994, is deleted in its entirety.

SECTION 16. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Oakland. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the Town of Oakland and certified to the Secretary of State.

SECTION 17. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 16.