

HOUSE BILL 2651

By Pody

AN ACT to amend Chapter 644 of the Private Acts of 1911; as amended by Chapter 180 of the Private Acts of 1923; Chapter 1 and Chapter 685 of the Private Acts of 1929; Chapter 86 of the Private Acts of 1935; Chapter 573 of the Private Acts of 1935; Chapter 158 of the Private Acts of 1943; Chapter 275 of the Private Acts of 1945; Chapter 410 of the Private Acts of 1949; Chapter 219 of the Private Acts of 1951; Chapter 414 of the Private Acts of 1953; Chapter 254 of the Private Acts of 1955; Chapter 176 of the Private Acts of 1961; Chapter 199 of the Private Acts of 1970; Chapter 200 of the Private Acts of 1971; Chapter 279 of the Private Acts of 1972; Chapter 381 of the Private Acts of 1972; Chapter 330 of the Private Acts of 1974; Chapter 38 of the Private Acts of 1989; Chapter 120 of the Private Acts of 1991; Chapter 185 of the Private Acts of 1994; Chapter 20 of the Private Acts of 1999; Chapter 169 of the Private Acts of 2002; Chapter 45 of the Private Acts of 2004; Chapter 61 of the Private Acts of 2005; Chapter 34 of the Private Acts of 2014; and Chapter 45 of the Private Acts of 2014; and any other acts amendatory thereto, relative to the charter of the City of Lebanon.

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

SECTION 1. Chapter 644 of the Private Acts of 1911, as amended by Chapter 180 of the Private Acts of 1923, Chapter 275 of the Private Acts of 1945, Chapter 410 of the Private Acts of 1949, Chapter 219 of the Private Acts of 1951, Chapter 414 of the Private Acts of 1953, Chapter 254 of the Private Acts of 1955, and any other acts amendatory thereto, is amended by deleting from footnote 1 the language "and 10-3662." and substituting instead the language ";10-3662; 10-3722; 11-3817; 11-3845; 13-4347; 13-4461; 14-4801; 15-1886; and 15-1887."

SECTION 2. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting Article I, Section 1 and substituting instead:

Section 1. City council vested with government; composition of council. That the Government of Lebanon, Tennessee, the legislative, judicial, and the executive branches thereof, together with all the business of every nature and kind pertaining to said corporation, shall be and is hereby vested, in accordance with the provisions and restriction of this Act, in a City Council which shall consist of a Mayor and one Alderman from each ward of the City, the number of which and their geographic locations to be determined by the City Council by ordinance, and shall have the powers, perform the duties, receive the compensation, possess the qualifications, be elected and qualify at the time and in the way and manner hereinafter provided.

SECTION 3. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 1 of the Private Acts of 1929, Chapter 86 of the Private Acts of 1935, Chapter 410 of the Private Acts of 1949, Chapter 219 of the Private Acts of 1951, Chapter 199 of the Private Acts of 1970, Chapter 185 of the Private Acts of 1994, Chapter 61 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting Article II, Section 1 and substituting instead:

Section 1. Enumeration of Miscellaneous Ordinance Powers. Be it further enacted, said corporation shall have full power by ordinance within the corporate limits:

(1) To levy, assess, and collect taxes upon all property, and on all subjects or objects of taxation, polls, and privileges, within said limits, taxable by law for state purposes, as allowed by state law and as approved by the city council.

(2) To acquire, own, construct, and maintain industrial factory buildings, to lease or sell same to persons, firms, or corporations, and for such purposes to make appropriations and borrow money for such acquisition and construction; provided further, that in the event said industrial building or buildings are leased, the same shall be leased for an annual rent sufficient to pay all interest on funds borrowed.

(3) To adopt such other classifications of the subjects and objects of

taxation as may not be contrary to law.

(4) **Deleted.**

(5) **Deleted.**

(6) To make special assessments for municipal improvements.

(7) **Deleted.**

(8) To appropriate money and provide for the payment of the debts of the City and to borrow money as allowed by state law.

(9) To expend the money of the City for all lawful purposes.

(10) To issue, sell, and pledge, or in any manner dispose of, negotiable or non-negotiable interest bearing or non-interest bearing bonds, warrants, promissory notes or orders of the City, solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits; and also issue, sell, pledge, or in any manner dispose of any other bonds when authorized by the state law.

(11) To acquire, receive, and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the City or State, except such as may hereinafter be prohibited.

(12) To condemn property, real or personal, or any easement, interest, estate or use therein, either within or without the City, for present or future public use, such condemnation to be made and effected in accordance with the terms and provisions of the statutory law of the State of Tennessee.

(13) To take and hold property within or without the City or State upon trust for the public benefit, and for the benefit and improvement of the City Cemetery and/or privilege therein.

(14) To acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest

therein, or any other utility of service to the City, the inhabitants, or any part thereof, and further, may issue debt for these purposes under the Local Government Public Obligations Act of 1986, compiled in Tennessee Code Annotated, Title 9, Chapter 21.

(15) To grant to any person, firm, association, or corporation, franchise for public utilities and public services to be furnished to the City and the inhabitants thereof. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The board may prescribe, in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that may be opened after the grant of the franchise.

(16) To make contracts, subject to conditions hereinafter provided, with any person, firm, association or corporation, for public utilities and public services to be furnished to the City and the inhabitants thereof. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The City Council may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract.

(17) To establish, open, relocate, vacate, close or abandon, alter, widen, extend, grade, improve, repair, construct, re-construct, maintain, light, sprinkle and clean, public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public ground and squares, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, and to regulate the use thereof within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under Tennessee Code Annotated, §§ 7-31-107, 7-31-111, and 29-16-203, or any other manner provided by general laws.

(18) To construct, improve, re-construct, and re-improve, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, or alleys, under and as provided by Tennessee Code Annotated, title 7, chapters 32 and 33, and said City may, by ordinance or otherwise, prohibit anyone from occupying, encroaching or trespassing upon any of the public lands, buildings, parks, streets, roads and alleys, within said corporation, and remove anyone from same who may have occupied or encroached on same; provided, that if there is necessary litigation in collecting said assessments, and suit is brought, the Council may, by ordinance, assess the delinquent defendants with all expenses of collection, including a reasonable attorney's fee.

(19) To assess against abutting property within the corporate limits of the City the costs of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, the removal of all encroachments into or upon any street, alley or other property of the City, and for the cutting and removing of obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing,

abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board. Also to regulate and prevent the running at large and tying and fastening of cattle, hogs, horses, mules, stock, and other animals of all kinds.

(20) To acquire, purchase, provide for, construct, regulate and maintain, and to do all things relating to all market places, public buildings, bridges, market houses, sewers and other structures, works and improvements.

(21) To collect and dispose of drainage, sewage, offal, ashes, garbage, refuse, or other waste or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges.

(22) To license and regulate all persons, firms, and corporations, companies, and associations, engaged in any business, occupation, calling or profession or trade not forbidden by law.

(23) To impose a license tax upon any animal, vehicle, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

(24) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business occupations, callings, trades, uses of property, and all other things whatsoever detrimental, or liable to be detrimental to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City and to exercise general police powers, and to make and enforce regulations to secure the general health of the citizens and to remove and prevent nuisances.

(25) To prescribe the limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people, may lawfully be established, conducted or maintained.

(26) To inspect, test, measure and weigh, any article of consumption or use within the City, and to charge reasonable fees therefor, which fees are to go into the treasury of the City, and provide standards of weights, tests and

measures in such manner as may be provided pursuant to Tennessee Code Annotated, Title 47, Chapter 26, Part 9.

(27) **Deleted.**

(28) To regulate the location, bulk, occupancy, area, lot, height, construction and materials, including plumbing and electrical wiring of all buildings and structures, and to inspect all buildings, lands, and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(29) To provide, construct and maintain, or donate to, charitable, educational, recreational, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services. To make regulations to prevent the introduction or spread of contagious or infectious diseases in the City; to make quarantine laws for that purpose, and to enforce the same to the distance of two (2) miles from the City; to create a Board of Health and a Health Department, and to establish, build, and regulate hospitals and pest houses.

(30) **Deleted.**

(31) To enforce any ordinance, rule or regulation by means of fines, forfeitures and penalties, or by action or proceedings in any court of competent jurisdiction, or by any one (1) or more of such means, and to provide by ordinance for court costs as provided in the Municipal Court Reform Act of 2004, compiled in Tennessee Code Annotated, Title 16, Chapter 18, Part 3.

(32) To establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefor and fix their compensation, to purchase or otherwise acquire land for or to assess a fee for the use of, or impact upon, school houses, play grounds and other purposes connected with the schools; to purchase or erect all necessary

buildings and to do all other acts necessary to establish, maintain and operate a complete educational system within the City.

(33) To regulate, tax, license, require vaccination or suppress the keeping or running at large of animals within the City; to impound the same, and in default of redemption to sell or kill the same as permitted by state law.

(34) To provide the City with water and light by waterworks and light plants within or beyond the boundaries of the City.

(35) To erect, establish, open, close and remove bridges, sewers, gutters, hydrants and cisterns.

(36) To establish, support, and regulate a police system, and to appoint special police when, in the opinion of the Mayor, it is necessary.

(37) To provide for the enclosing, improving and regulating of the public grounds and buildings belonging to the City, within or without the corporate limits.

(38) To provide for the prevention and extinguishment of fires, to establish and equip a fire department, and to restrain or prohibit the erection of wooden or combustible buildings in any part of the City; to regulate and prevent the carrying on of any business dangerous in causing or producing fires; to regulate the storage of all combustible, inflammable or explosive materials, and the use of lights or fire in the City, or the cleansing, burning, and sweeping of chimneys or stove pipes and to regulate or prevent the discharging, firing, shooting, or carrying of guns, pistols and fireworks in the City.

(39) **Deleted.**

(40) To designate from time to time a depository in which all of the funds of the City shall be kept, and it shall be cause for removal from office for any City official, school commissioner, or sinking fund commissioner, to refuse to deposit the funds in such person's hands in the depository so designated.

(41) To provide by ordinance for the construction, maintenance, repair and replacement of bridges, approaches, tunnels, overpasses and under-passes or other conveniences over or under the tracks or railroads where the same

cross any of the streets of said City, to insure the safety of the public traveling on said streets. The expenses of building, maintaining, repairing or replacing of such part of said bridges, tunnels, over-passes, under-passes or other conveniences over or under the right-of-way of said railroad shall be borne by the railroad companies, and the expenses of building, maintaining, repairing or replacing said approaches to said bridges, tunnels, over-passes, under-passes or other conveniences shall be borne by the City, and the City Council shall have the power and authority to prescribe by ordinance regulations touching the kind and character of bridges, approaches, tunnels, over-passes and under-passes and all other conveniences over or under said tracks or railroads and the manner of maintaining same.

(42) To change the number of wards and the boundaries of same, when and as it may deem proper, and also to provide additional voting precincts in the City and may increase or decrease the number of same.

(43) To purchase fire equipment and to erect or purchase buildings for the housing of same, and to make all appropriations necessary for such purpose.

(44) **Deleted.**

(45) The City of Lebanon shall have the right of eminent domain for all municipal purposes named in this charter and to that end shall have the right to condemn property, the proceedings of condemnation to be governed by the general law of condemnation for the State of Tennessee.

(46) **Deleted.**

(47) To regulate by Ordinance the operation of taxicabs and buses within the corporate limits of the City, and to require a reasonable amount of liability insurance, to be carried on same, in some reputable insurance company, or require an approved Indemnity Bond in lieu of such insurance.

(48) To have and maintain a City Court which shall have all of the powers and jurisdiction set forth in the Tennessee Municipal Court Reform Act of 2004, compiled in Tennessee Code Annotated, Title 16, Chapter 18, Part 3.

(49) To implement by ordinance all necessary safety and building codes or other municipal codes which are necessary for the general welfare and safety of the citizens of the City, including but not limited to the cleanup and removal of all dilapidated or unsafe structures or buildings; and to provide measures for the required cleanup and/or removal of the unsafe or dilapidated buildings or structures which may exist within the city limits of the City, and said power shall include but not be limited to the enforcement of ordinances to remove at the owner's expense any and all condemned and/or dilapidated structures or buildings which have been found by the City Court to be a threat to the general welfare of the public, and the enforcement of said cleanup provisions may include the placement of a lien on the subject real property for any and all cleanup and litigation expenses that are involved in the enforcement of the subject ordinances or codes.

(50) To enter into inter-governmental agreements with the State of Tennessee, Wilson County, or any other municipality wherein said inter-governmental agreements have been found to be in the best interest of the City.

(51) To enter into and implement private sector - public sector contractual arrangements for the development of industrial or business property within the City, where the subject contractual agreements have been found to be in the best interest of the City.

(52) To adopt by ordinance any and all powers for municipalities which are found in the general law for the State of Tennessee.

(53) Notwithstanding any other provisions of this Charter to the contrary, to adopt the provisions of the Municipal Budget Law of 1982, compiled in Tennessee Code Annotated, Title 6, Chapter 56, Part 2. Upon adoption of the subject Municipal Budget Law of 1982 by a two-thirds (2/3) vote of the City Council, the provisions of said Budget Law shall dictate the budget requirements for the City.

(54) Notwithstanding any other provisions of this Charter to the contrary, the City may adopt by empowering ordinance the Municipal Purchasing Law of 1983, compiled in Tennessee Code Annotated, Title 6, Chapter 56, Part 3. Upon adoption of the Municipal Purchasing Law of 1983, by a two-thirds (2/3) vote of the City Council, the provisions of said law shall be controlling concerning the purchasing requirements for the City.

(55) **Deleted.**

(56) To call for elections as provided in this charter.

(57) To have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

(58) To create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to Tennessee Code Annotated, Title 13, Chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the Lebanon Regional Planning Commission.

(59) To regulate the business of electricians and electrical work in the City, and to enforce efficiency of same, and to that end to pass all ordinances necessary to carry out and enforce the powers delegated.

(60) Notwithstanding any other law to the contrary, the City, its agencies or divisions thereof, may within or without the state engage in investigating, exploring, prospecting, drilling, and mining for and producing natural gas and oil and mineral by-products thereof, and construct the appropriate facilities to produce, save, take care of, maintain, treat and transport natural gas and oil and mineral by-products thereof, or to contract for same with any person, federal

agency, municipality or public or private corporation. The City, its agencies, or divisions thereof, shall not be granted any additional powers of eminent domain to carry out this section.

(61) To remove from certain lots any trees, vines, grass, underbrush or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, if it is determined by the appropriate department or person as designated by the City Council that any owner of record of real property has created, maintained or permitted to be maintained on such property such elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property, as provided and effected by Tennessee Code Annotated, Section 6-54-113.

(62) To purchase land and install therein roads and streets and water, sewer, electric and other utilities for the purpose of aiding in the construction and development therein of performance halls, auditoriums, theaters, or other entertainment facilities, and to issue their bonds or notes to finance in whole or in part the costs of such land and improvements, in accordance with and subject to the requirements of Tennessee Code Annotated, Title 9, Chapter 21, and Title 13, Chapter 16, and to exercise all the powers set forth therein as it relates to such construction and development.

(63) To establish, by ordinance, a special tax not to exceed two cents (2¢) on each One Hundred Dollars (\$100.00) valuation of the annual tax aggregate, for the purpose of establishing and maintaining a fund for advertising the commercial, social, agricultural, industrial, scenic, historical, and educational advantages of the City's community, and any points of interest and attraction, and for such other purposes as the City Council, in its discretion, believes will increase the population, value of taxable property, and the general business

prospects and the general welfare of the City, in accordance with and effected by Tennessee Code Annotated, Section 6-54-201.

SECTION 4. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 45 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Article III, Section 5 and substituting instead the following:

Section 5. Legislative and residual powers vested in council; council to act only when in session. Be it further enacted, that the legislative and other powers, except as otherwise provided by this charter, are hereby delegated to and vested in the City Council and the City Council may, by ordinance or resolution, not inconsistent with this charter, prescribe the manner in which all powers of the City shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the City or State to protect the rights of the City. The City Council shall, by resolution, have the power to approve all contracts and agreements that would legally bind the City in some manner.

Additionally, the City Council shall have the power to adopt, by resolution, an organizational chart of City departments and personnel setting forth the different departments and their names, the different department heads and their respective titles, and the departmental subdivisions and personnel for which the respective department heads are responsible. Such organizational chart shall be presented by the Mayor and shall promote efficiency within the City's departmental structure.

The City Council shall exercise its powers in sessions duly assembled and no member nor group of members thereof shall exercise or attempt to exercise the powers conferred upon the City Council except through proceedings adopted at some regular or special session.

SECTION 5. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting Article III, Section 16 and substituting instead the following:

Section 16. Officers to take an oath. Be it further enacted, that the officers of the City, before entering upon their duties, shall take an oath or affirmation before the City

Judge that they will support the Constitutions of the United States and of the State of Tennessee and the charter and ordinances of the City, and that they will faithfully discharge the duties of their offices to the best of their ability.

SECTION 6. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 410 of the Private Acts of 1949, Chapter 20 of the Private Acts of 1999, and any other acts amendatory thereto, is amended by deleting Article IV, Section 3 and substituting instead the following:

Section 3. Readings required for ordinances and resolutions; when effective; publication. Be it further enacted, that every ordinance shall be passed on two (2) readings on two (2) separate days in open session of the City Council before it shall become effective, and all ordinances shall take effect from and after their final passage, unless otherwise provided therein; resolutions may be passed on one (1) reading. All ordinances and resolutions shall be signed by the Mayor and Commissioner of Finance and Revenue, and all ordinances, or the caption of each ordinance upon final passage, shall be published at least once in a newspaper of general circulation published in the City of Lebanon, or in pamphlet form, or by posting of said ordinances at a conspicuous place at the Courthouse of Wilson County, at Lebanon, Tennessee, the City Hall or City Administration Building of Lebanon, Tennessee, or both.

SECTION 7. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting Article V, Section 1 and substituting instead the following:

Section 1. General powers and duties.

(A) Be it further enacted, that the Mayor shall be the chief executive officer of the City and shall preside at all meetings of the City Council, and perform such other duties consistent with the Mayor's office as may be imposed by the City Council. The Mayor shall have a seat and a voice, but no vote, except for the purpose of breaking a tie, and in the election of City officials, when the Mayor shall vote as other members of the City Council. The Mayor shall sign all checks required or approved by law or action of the City Council, shall sign the

minutes of the City Council, shall sign all ordinances and resolutions upon their final passage, and shall execute all deeds, bonds, and contracts made in the name of the City as approved by the City Council. The Mayor's signature shall be attested by the Commissioner of Finance and Revenue. The Mayor may introduce ordinances and resolutions in the City Council.

(B) Additionally, the Mayor:

(1) Shall communicate any information needed, and recommend measures the Mayor deems expedient to the board;

(2) Shall make temporary or other appointments of any officer or department head as those terms are defined in Tennessee Code Annotated, Section 6-1-101, except that of alderman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the board at its next regular meeting;

(3) May call special meetings of the board, upon at least twelve (12) hours' notice to the board and public, and shall state the matter to be considered at the special meeting. The action of the board shall be limited to such matter(s) submitted;

(4) Shall make appointments to boards and commissions as authorized by law;

(5) Employ, promote, discipline, suspend and discharge all department heads, for cause, and in accordance with personnel policies and procedures adopted by the board. Nothing in this charter shall be construed as granting a property interest to any employee or department head in their continued employment;

(6) Administer all business of the City;

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

(8) Keep the board fully advised as to the conditions and needs of the City;

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

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

(11) Recommend specific personnel positions, as may be required for the needs and operations of the City; and

(12) Perform such other duties as may from time to time be designated or required by the City Council.

SECTION 8. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting Article V, Section 3 and substituting instead the following:

Section 3. To accept legal process against City. Be it further enacted, that all legal process against the City shall be served upon the Mayor, the Commissioner of Finance and Revenue, the City Attorney, or any person so designated in the City's legal department. If the Mayor or Commissioner of Finance and Revenue accepts legal process against the City, it shall be their duty forthwith to transmit the process to the City Attorney after writing thereon the time and manner of service.

SECTION 9. Chapter 644 of the Private Acts of 1911, as amended by Chapter 176 of the Private Acts of 1961, Chapter 120 of the Private Acts of 1991, Chapter 185 of the Private Acts of 1994, Chapter 20 of the Private Acts of 1999, Chapter 169 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting Article V, Section 5 and substituting instead the following:

Section 5. Department heads authorized to hire and discharge employees. Be it further enacted, that all persons designated by resolution of the City Council as Department Heads shall be authorized to hire the employees in their respective

departments and may discipline their respective employees, up to and including discharging the employee for cause, subject to any personnel policies and procedures adopted by the City Council. Nothing in this Charter shall be deemed to grant a property right to any employee in such employee's respective position.

SECTION 10. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 176 of the Private Acts of 1961, Chapter 381 of the Private Acts of 1972, Chapter 120 of the Private Acts of 1991, Chapter 45 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Article VI, Section 1 and substituting instead the following:

Section 1. Department Heads, Department Managers, and Judicial Officials.

(a) All persons designated by resolution of the City Council as Department Heads shall be hired and managed by the Mayor and shall be subject to discipline by the Mayor, at the Mayor's discretion, up to and including termination for cause.

(b) Additionally, all persons designated by resolution of the City Council as Department Heads shall be subject to discipline by the City Council, up to and including termination for cause, in the form of a majority vote of the City Council at a regular called City Council meeting.

(c) The City Judge shall be designated a Judicial Official and shall be appointed by the Mayor and confirmed by a majority vote of the City Council before taking the oath of office and serving in such capacity. The City Judge shall be compensated in an amount, and receive such benefits, as determined by the City Council with the passage of an annual fiscal year budget. The City Judge shall serve at the pleasure of the City Council and shall not be subject to the City of Lebanon Personnel Rules and Regulations. In the event of the temporary absence, disability, or sickness of the City Judge, the City Judge may request a Wilson County municipal or general sessions judge to preside over the Lebanon Municipal Court by interchange. In the event that a Wilson County municipal or general sessions judge is unable to sit by interchange, the Mayor of

Lebanon is authorized to appoint, in writing, a temporary City Judge, who shall be qualified on the basis of being licensed to practice law in the courts of the State of Tennessee and shall be empowered with all duties, responsibilities, and abilities as the regular City Judge. The City Council of Lebanon shall determine the amount and duration of any compensation to be received by the temporary City Judge.

(d) The City Council shall set the salaries and compensation of all members thereof, and that of Department Heads, judicial officials, and all other city officers and employees with the passage of an annual fiscal year budget, and may define the duties of all City officials not inconsistent with the previous provisions of this charter. Any position, including that of any department head, may be frozen or eliminated by the City Council for budgetary reasons. The City Council, by a majority vote, shall, at any time, have the power and authority to limit the number of employees in any department of the City. Additionally, the City Council, notwithstanding any other provision in the law to the contrary, shall by a majority vote select, elect, and fill any and all positions of employment which may be created and which are paid in whole or in part by the federal and/or state governments.

(e) The City Council may authorize any officer, agent, or employee of the City to charge fees or commissions, and all fees or commissions collected by any officer, agent, or employee of the City shall be paid into the general fund of the City.

SECTION 11. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 573 of the Private Acts of 1935, Chapter 158 of the Private Acts of 1943, Chapter 185 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting both sections designated as Section 2 in Article VI and substituting instead the following:

Section 2. **Deleted.**

Section 2. Discipline of Department Heads.

All disciplinary policies and proceedings against Department Heads shall be set forth in the City's personnel rules and regulations, as adopted by the City Council.

SECTION 12. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting Article VII, Section 1 and substituting instead the following:

Section 1. Commissioner of Finance and Revenue to have charge of all financial affairs. The Commissioner of Finance and Revenue shall be the chief fiscal officer of the City and shall advise the City Council of the financial condition and needs of the City as requested. The Commissioner shall audit all payrolls, accounts and financial records of the City and shall have charge of the financial affairs of the City, including the efficient keeping and supervising of all accounts of the City, the supervision and disbursement of all funds and money, the collection of all money due the City, and shall sign all checks issued on behalf of the City. The Commissioner may require proper fiscal accounts, records and reports to be made to the Commissioner's office by the Department Heads, officers, and employees of the City. The Commissioner shall at least monthly, and more often if the Commissioner deems it advisable, require settlements from the officers or employees charged with the collection of any revenue of the City. The Commissioner shall perform such other duties as the City Council may by ordinance require.

SECTION 13. Chapter 644 of the Private Acts of 1911, as amended by Chapter 381 of the Private Acts of 1972, and any other acts amendatory thereto, is amended by deleting Article VIII and substituting instead the following:

ARTICLE VIII.

Deleted.

SECTION 14. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting Article IX, Section 1 and substituting instead the following:

Section 1. Qualifications, election, and salary. Be it further enacted, that the City Attorney shall be an attorney at law, entitled to practice in the Courts of the State of Tennessee, and shall be hired by the Mayor as the head of the City's legal department. The position shall be full-time and the City Attorney shall receive such salary as shall be fixed by the City Council in the annual budget ordinance.

When deemed necessary by the Mayor, and as budgeted by the City Council, the Mayor may hire an Assistant City Attorney or Attorneys, either in a full-time or part-time capacity. The City Attorney shall make recommendations to the Mayor on such hirings and shall supervise such attorneys as part of the legal department staff.

SECTION 15. Chapter 644 of the Private Acts of 1911, as amended by Chapter 61 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by adding the following language to the end of Article IX, Section 5:

Prior authorization is not required if the retention of an attorney in a specialized field of practice is deemed of such necessary urgency by the Mayor that if immediate action is not taken to retain such attorney, the City would suffer financial harm or other serious detriment. In such a circumstance, the City Council shall be informed at the next regular city council meeting of the retention of such attorney and the details of why such action could not wait for prior authorization.

SECTION 16. Chapter 644 of the Private Acts of 1911, as amended by Chapter 1 of the Private Acts of 1929, Chapter 685 of the Private Acts of 1929, Chapter 200 of the Private Acts of 1971, Chapter 279 of the Private Acts of 1972, Chapter 38 of the Private Acts of 1989, Chapter 185 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting Article X and substituting instead the following:

Article X: City Court

Section 1. Jurisdiction and authority. The City Judge shall preside over the City Court of Lebanon, and shall have jurisdiction in and over all cases for the violation of, offenses against, and in all cases arising under the laws and ordinances of the City, and such other jurisdiction as may be conferred upon the

City Court by the general laws of the State, including but not limited to the Tennessee Municipal Court Reform Act of 2004, compiled in Tennessee Code Annotated, Title 16, Chapter 18, Part 3. The City Judge shall have the authority to administer oaths and affirmations as required by law. The City Judge shall have the power and authority to impose fines, costs and forfeitures, and to punish by fine all violations of the City ordinances, to preserve and enforce order in the City Court, and to enforce the collection of all such fines, costs and forfeitures imposed by the court. Pursuant to the procedure set forth in Tennessee Code Annotated, Section 16-18-311, the City Council may extend the jurisdiction of the City Court to the same General Sessions jurisdiction presently held by the General Sessions Courts of Wilson County, Tennessee.

Section 2. Collection and disposition of fines and court costs. Be it further enacted, that all fines and court costs imposed by the City Judge for violations of the Lebanon Municipal Code or any other code, regulation, or ordinance authorized by the City Council, shall belong to the City, and shall be collected by the City Court Clerk. The City Court Clerk shall report all collections, including the amounts, from whom collected, and the offenses for which collected, and said sums shall be paid over by the City Court Clerk to the Commissioner of Finance and Revenue. The City Council shall set all court costs by ordinance and in accordance with laws of the State of Tennessee.

Section 3. Detailed docket to be kept. Be it further enacted, that the City Court Clerk shall keep or cause to be kept the City Court docket or dockets embodying complete detailed records of all cases tried and determined in the City Court.

SECTION 17. Chapter 644 of the Private Acts of 1911, as amended by Chapter 1 of the Private Acts of 1929, Chapter 685 of the Private Acts of 1929, Chapter 410 of the Private Acts of 1949, Chapter 330 of the Private Acts of 1974, Chapter 185 of the Private Acts of 1994, Chapter 34 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Article XII, Section 3 and substituting instead the following:

Section 3. **Deleted.**

SECTION 18. Chapter 644 of the Private Acts of 1911, as amended by Chapter 381 of the Private Acts of 1972, Chapter 38 of the Private Acts of 1989, Chapter 20 of the Private Acts of 1999, Chapter 34 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Article XIV and substituting instead the following:

Art. XIV: PURCHASING AGENT

Section 1. Purchasing agent--authority duties. The purchasing agent, as a full-time city employee, shall have the power and authority to purchase and shall purchase all materials, supplies, and equipment for the proper conduct of the City's business. All purchases and leases or lease-purchase agreement, shall be made or entered into only after public advertisement and competitive bid, unless one or more of the exceptions set forth in Tennessee Code Annotated, Section 6-56-304 (as may be amended) exist. Pursuant to Tennessee Code Annotated, Section 12-3-1212, the City Council shall prescribe by resolution the threshold over which public advertisement and sealed competitive bids or proposals are required to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) for nonemergency, nonproprietary purchases. At least three (3) written quotations shall be required whenever possible for purchases costing less than the bid threshold established for public advertisement and sealed competitive bids or proposals but more than forty percent (40%) of such bid threshold or some lower amount as may be established by the City Council in the resolution. Purchases of like items shall be aggregated for purposes of the bid threshold.

Section 2. Other Duties. The purchasing agent shall perform other duties as may be required of such agent by resolution or ordinance of the City Council.

SECTION 19. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Lebanon. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 20. 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 19.