

HOUSE BILL 2902

By Reedy

AN ACT to amend Chapter 669 of the Private Acts of 1951; as amended by Chapter 207 of the Private Acts of 1984; and any other acts amendatory thereto, relative to the City of McEwen.

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

SECTION 1. Section 8 of Chapter 669 of the Private Acts of 1951, as amended by Chapter 207 of the Private Acts of 1984, and any other acts amendatory thereto, is amended by deleting the section and substituting the following:

Section 8.

(a) The Mayor shall appoint from time to time, subject to approval and confirmation by the Aldermen, the following officers and their subordinate municipal employees who in all instances are to serve at the pleasure of the Board of Mayor and Aldermen and who may not be terminated or removed without approval by a majority of the Aldermen:

(1) A Chief of Police to be the chief law enforcement officer of the municipality charged to enforce the laws and ordinances of the municipality and the laws of the State of Tennessee; to make arrests of those committing violations thereof committed within the municipality; and to have operational command of the municipal police department and the subordinate police officers from time to time authorized by the Board of Mayor and Aldermen;

(2) A Fire Chief to be the chief fire suppression and prevention officer of the municipality under the laws and ordinances thereof and the laws of the State of Tennessee and to have operational command of the municipal fire department and the subordinate firemen from time to time authorized by the Board of Mayor and Aldermen;

(3) A City Recorder to be the chief clerical officer of the municipality to perform all those duties as provided in the charter of the municipality and in the ordinances thereof;

(4) A Superintendent of Water, Sewer and Public Works of the municipality to oversee the operation of such proprietary and governmental municipal functions as provided in the charter and by the ordinances of the City and immediate operational supervision of all subordinate employees as authorized by the Board of Mayor and Aldermen;

(5) A City Attorney to be the chief legal counsel of the municipality to attend to all legal affairs of the municipality and advise the Board of Mayor and Aldermen on legal matters and advise municipal officers affecting their duties and functions; and

(6) A City Manager to be the chief administrative and operating officer and business manager of the municipality with general oversight and supervision of all administrative affairs, operations and personnel management of all departments of the municipality and the employees thereof. The duties, powers and responsibilities include, but are not limited to, the following:

(i) To take executive direction from the Mayor and perform such duties from time to time as the Mayor delegates or directs;

(ii) To see that officers and employees of the municipality and the work and responsibilities of the officers, department heads and employees of the municipality are efficiently executed;

(iii) To prescribe the work and responsibilities of each department not inconsistent with applicable federal and state laws and regulations and ordinances of the municipality and give direction to all department heads in connection therewith;

(iv) To have access at all times to records and facilities of all departments;

(v) To investigate the work and operations of all departments and require all officers and department heads to submit such reports and records deemed necessary;

(vi) To attend all meetings of the Board of Mayor and Aldermen and those of all subordinate committees, boards, agencies and instrumentalities of the municipality;

(vii) To discuss and report municipal business, including constituent concerns, with the Board of Mayor and Aldermen;

(viii) To prepare and recommend annual budgets of revenues and expenditures and report on the fiscal impact on the municipal finances of proposed programs and sources of revenues and expenditures;

(ix) After consultation with department heads, to recommend to the Board of Mayor and Aldermen for approval of the hiring, transfer, demotion, discipline, discharge or termination of municipal employees;

(x) To take care and see to the prompt collection of all revenues due the municipality, both governmental and proprietary, and to see that all debts and obligations of the municipality are promptly paid from appropriations made therefor;

(xi) To make or authorize to be made municipal purchases observing procedures and requirements established by purchasing procedures and regulations in effect from time to time as approved by the Board of Mayor and Aldermen to include approval of purchasing orders authorizing officers and employees of the municipality to purchase or acquire goods or services on account of the municipality and to carry out procurement specifically authorized by the Board of Mayor and Aldermen;

(xii) To countersign with the Recorder all payable warrants and checks drawn on the municipal treasury in the absence or unavailability of the Mayor to do so or as delegated by the Mayor;

(xiii) To report to the Board of Mayor and Aldermen not less often than monthly on significant business activities and operations of the municipality and all departments and functions thereof; on accidents or injuries involving any municipal employee; on all incidents for which a claim for or against the municipality may result; and on matters of which the Board and Mayor and Aldermen may inquire; and

(xiv) To perform such other duties generally and specifically authorized and directed by the Board of Mayor and Aldermen.

(b) The foregoing named principal officers may not be removed or discharged without the concurrence and approval of not less than a majority of the Aldermen. All final action on the removal or termination of a principal officer or subordinate employee must be approved by a majority of the Aldermen. Where the position of any principal officer becomes vacant, the Mayor shall have opportunity to recommend a person to fill such vacancy up to three (3) times, and after which no confirmation by a majority of the Aldermen has occurred, then such vacancy shall be filled by a person approved by a majority of the Aldermen concurring.

(c) Salaries and compensation of all principal officers and subordinate employees shall be determined by the Board of Mayor and Aldermen from time to time by authorizations and appropriations thereof. No principal officer nor employee of the municipality shall receive compensation from the municipal treasury in excess of an appropriation made therefor.

SECTION 2. Section 9 of Chapter 669 of the Private Acts of 1951, as amended by Chapter 207 of the Private Acts of 1984, and any other acts amendatory thereto, is amended by deleting the second sentence in the first paragraph that reads as follows:

He shall have the duties and powers of a business manager; he shall have supervision and control of all administrative affairs of the municipality; he shall be its chief executive.

and substituting instead the following:

The Mayor shall have the duties and powers of Mayor as provided in the municipal charter and by the ordinances and resolutions of the municipality and shall be the chief executive officer of the municipality.

SECTION 3. Section 9 of Chapter 669 of the Private Acts of 1951, as amended by Chapter 207 of the Private Acts of 1984, and any other acts amendatory thereto, is amended by deleting the seventh sentence in the first paragraph that reads as follows:

The Mayor shall have authority to suspend any Officer, Member of any Board, or other employee of the City.

and substituting instead the following:

The Mayor shall have the authority to suspend for cause any officer or employee of the municipality subject to review and final action by the Aldermen.

SECTION 4. 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 McEwen. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the Secretary of State.

SECTION 5. 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 4.