

SENATE BILL 2611

By Summerville

AN ACT to amend Chapter 603 of the Private Acts of 1949; as amended and rewritten by Chapter 77 of the Private Acts of 1971; Chapter 98 of the Private Acts of 1987; Chapter 5 of the Private Acts of 1993; Chapter 179 of the Private Acts of 1994; Chapter 48 of the Private Acts of 2003; Chapter 49 of the Private Acts of 2003; Chapter 24 of the Private Acts of 2007, Chapter 12 of the Private Acts of 2011; and any other acts amendatory thereto, relative to the Charter of the City of New Johnsonville.

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

SECTION 1. Chapter 603 of the Private Acts of 1949, as amended and rewritten by Chapter 77 of the Private Acts of 1971, Chapter 98 of the Private Acts of 1987, Chapter 5 of the Private Acts of 1993, Chapter 179 of the Private Acts of 1994, Chapter 48 of the Private Acts of 2003, Chapter 49 of the Private Acts of 2003, Chapter 24 of the Private Acts of 2007, Chapter 12 of the Private Acts of 2011, and any other acts amendatory thereto, is amended by rewriting the Charter of the City of New Johnsonville to read as follows:

ARTICLE I

CHARTER, DEFINITIONS,

CITY LIMITS, AND CORPORATE POWERS

SECTION 1.01. ACT CONSTITUTES CITY CHARTER. The City of New Johnsonville, Tennessee, shall continue as a body politic and corporate by the name and style of New Johnsonville, Tennessee, and this Act shall constitute its complete charter. The City of New Johnsonville shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

SECTION 1.02. DEFINITIONS. As used in this Charter the following words and

terms have the following meanings:

(a) "At large" means the entire city, as distinguished from representation by wards or other districts;

(b) "City" means the City of New Johnsonville;

(c) "Code" means any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by any agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity;

(d) "Council" and "city council" mean the legislative body of the city, which shall be composed of the mayor and six (6) council members elected as provided in this Charter, and any incumbent aldermen, until the expiration of their current terms of office;

(e) "Council member" and "member of council" mean a person elected to the office of council member as provided in this Charter, and includes the mayor;

(f) "Elector" means a qualified voter residing within the city; and

(g) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization;

(h) The masculine includes the feminine, and the singular includes the plural and vice versa, except when the contrary intention is manifest.

SECTION 1.03. CITY LIMITS. The boundaries of the city are those fixed by Chapter 603, Private Acts of 1949, all Acts amendatory thereof, and annexations made pursuant to general law.

SECTION 1.04. CORPORATE POWERS. The city may:

(a) Assess property for taxation, and levy and provide for the collection of taxes on all property subject to taxation;

(b) Levy and collect privilege taxes on businesses, privileges, occupations, trade, and professions, and levy and collect any other kind of tax not prohibited to cities by the Constitution or general law. A collection fee not to

exceed state authorized limits may be added to each such privilege tax;

(c) Levy and collect registration fees on motor vehicles operated within the city. These registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles;

(d) Appropriate and borrow money as authorized in this Charter, and authorize the expenditure of money for any municipal purpose;

(e) Acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift, or condemnation, for public use, for present or future use by the city, reserve industrial sites, provide open spaces, encourage proper development of the community, or for the general welfare of the community, within or outside the city;

(f) Grant franchises or make contracts for public utilities and public services, not to exceed twenty (20) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by the Tennessee Regulatory Authority or other state or federal agency having jurisdiction in such matters;

(g) Provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, electric plants, gas works, an electric system, a gas system, a telephone system, marinas, city forests, tree and shrub nurseries, heliports, terminals, parking garages, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentive, penal, and medical institutions, agencies, and facilities; and any other public improvements; inside or outside the city; and regulate the use thereof; and for such purposes property may be either acquired or taken under Tennessee Code Annotated, Sections 7-31-107 through 7-31-111 and Tennessee Code Annotated, Sections 29-16-101 through 29-17-814, or under other applicable laws;

(h) Require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots, or lands, including removal of snow, debris or other materials;

(i) Make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings that are so out of repair as to be unsafe, unsanitary or unsightly. The city may abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made;

(j) Prescribe standards of health and sanitation and provide for the enforcement of such standards;

(k) Provide for the collection and disposal of garbage, rubbish, and refuse. Charges may be imposed to cover the costs of this service which, if unpaid, are collectible in the same manner as taxes or other debts. City council by ordinance may prescribe penalties and interest for delinquency;

(l) Define, regulate, and prohibit any act, practice, conduct, or use of property that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the city;

(m) Establish minimum standards for and regulate building construction and repair electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety, and comfort of the inhabitants of the city, and provide for the enforcement of these standards;

(n) Regulate, license, and prohibit the keeping or running at large of animals and fowls, and provide for their impoundment for violation of any ordinance or lawful order, and provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance;

(o) Regulate and license vehicles operated for hire in the city, limit their number, license their operators, require public liability insurance on their vehicles,

and regulate and rent parking spaces in public ways for the use of these vehicles;

(p) Provide that the violation of any ordinance, rule, regulation, or order is punishable by fine, penalty or forfeiture not to exceed state authorized limits;

(q) Plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and institute programs to effectuate these plans;

(r) Establish, maintain, and operate a police department, and a fire department, and provide for the control of parking and traffic;

(s) Establish, maintain, and operate a public school system; and

(t) Exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or that are necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Charter are held to be exclusive of others nor restrictive of general words and phrases granting powers, but are held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

ARTICLE II

CITY COUNCIL

SECTION 2.01. ELECTION OF MAYOR AND COUNCIL MEMBERS.

(a) A nonpartisan county election shall be conducted by the county commissioners of elections, at the same hours and places for holding general elections and under the general election laws of the state, to elect a mayor and three (3) council members from the city at large. Any elector who has been a resident of the city for at least one (1) year may be qualified as a candidate by a nominating petition submitted to the county commissioners of elections not less than forty (40) days prior to the election, signed by at least twenty-five (25)

electors.

(b) The nominating petition shall be prepared in substantially the following form:

We, the undersigned electors of the City of New Johnsonville, hereby nominate _____, whose resident is _____ for the office of council member (mayor), to be voted for at the election to be held on the ____ day of _____, 20____; and we individually certify that we are registered voters.

Name Address Date of

Signing

(c) Persons nominated may withdraw their nomination by written notice to the county commissioner of elections not later than twenty-five (25) days before the election. Names of candidates shall be listed alphabetically on the ballot; the residential addresses of candidates having the same or substantially similar surnames shall also be printed on the ballot.

(d) On the first Thursday in August 2012, each elector is entitled to vote for one (1) candidate for Mayor. Thereafter, an election shall be held every four (4) years. The term of office of the Mayor shall be for four (4) years. On the first Thursday in August 2012, each elector is entitled to vote for three (3) candidates for council member. The three (3) candidates receiving the largest number of votes shall be elected to serve a four-year term. Thereafter, biennial elections shall be held on the first Thursday in August in each even numbered year to elect in the same manner three (3) council members for four-year terms. The terms of office of the mayor and council members shall begin on the first Monday in September next following their election, and they shall serve until their successors have been elected and qualified. No informality shall invalidate an election, providing it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the state.

SECTION 2.02. RESTRICTIONS ON CANDIDATES AND THEIR

SUPPORTERS. Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, is a violation of Tennessee Code Annotated, Section 2-19-121, and any person convicted thereof shall be ineligible to hold an office or position of employment in the city government for a period of five (5) years.

SECTION 2.03. CITY COUNCIL.

(a) The mayor and six (6) council members elected under this Charter compose the city council, in which is vested all corporate, legislative, and other powers of the city, except as otherwise provided in this Charter.

(b) The salary of the mayor and each council member shall be fixed by ordinance to be effective for subsequently elected mayor and council members. They shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The council shall meet regularly at least once every month at the times and places prescribed by ordinance. The council shall meet in special session on written notice of the mayor or any three (3) council members and served on the other members of council personally at least forty-eight (48) hours in advance of the meeting. Only the business stated in the written call may be transacted at a special meeting. Informal meetings of the council may be held for the purpose of receiving information; however, there shall be no official action taken by the council in such meetings. The council shall exercise its powers only in public meetings.

(d) A majority of sitting council members shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The council may, by ordinance, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The council may subpoena and examine witnesses and order the production of books and papers.

SECTION 2.04. MAYOR AS PRESIDING OFFICER. The mayor shall preside at

meetings of the council, and shall have a vote on all matters but no veto power. He shall be the ceremonial head of the city. He shall be the officer to accept process against the city, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 2.05. VICE-MAYOR. The council, at the first regular meeting after the newly elected council members have taken office following each biennial election, shall elect from its membership a vice-mayor for a term of two (2) years. The vice-mayor shall perform the duties of the mayor during his absence or inability to act, and shall fill out any unexpired term in the office of mayor, in which case a council member shall be selected by majority vote of the council to serve the unexpired term as vice-mayor.

SECTION 2.06. VACANCY IN OFFICE OF MAYOR OR COUNCIL MEMBER. A vacancy exists if the mayor or a council member resigns, dies, moves his residence from the city, 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 a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of ninety (90) days, so as to prevent him from discharging the duties of his office. The council shall by resolution declare a vacancy to exist for any of these reasons, and such finding is final.

Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude is prohibited from holding office or employment with the city for a period of ten (10) years thereafter.

The remaining council members shall appoint a qualified person to fill a vacancy in the office of council member for the remainder of the unexpired term. If the vacancy is not so filled within thirty (30) days, the mayor shall appoint a qualified person to fill the vacancy.

At no time shall there be more than three (3) members of the council appointed to fill vacancies. If a vacancy occurs more than six (6) months prior to a regular election and while three (3) appointed members are on the council, a special election shall be held by the county commissioners of elections on the eighth Thursday following

occurrence of the fourth vacancy, at which election a council member shall be elected to serve the unexpired term of the fourth vacant office. The provisions in this article for regular elections govern special elections.

SECTION 2.07. RESTRICTIONS ON COUNCIL MEMBERS. The council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the mayor or any other officer or employee of the city, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by the mayor or any other officer or employee, except as specifically authorized by this Charter. The council shall deal with the various agencies, officers, and employees of the city, except boards or commissions authorized by this Charter, solely through the mayor, and shall not give orders to any subordinates of the mayor, either publicly or privately. The council may conduct inquiries into the operation of the city government and the conduct of the city's affairs it deems necessary.

SECTION 2.08. DESIGNATION OF OFFICIAL NEWSPAPER. The council, by resolution, shall designate a newspaper of general circulation in the city as the official city newspaper for publication of official notices of the city.

SECTION 2.09. CITY LEGISLATION.

(a) Any action of council having a regulatory or penal effect, or that is required to be done by ordinance under this Charter or the general laws of the state, shall be done only by ordinance. Other actions of the council may be accomplished by resolution or motion. Ordinances shall be in written form before being introduced, and a copy shall be furnished to each member of the council in advance of the meeting at which introduced. The enacting clause of ordinances shall be: "Be it ordained by the Council of the City of New Johnsonville." No action of council shall be valid or binding unless approved by the affirmative vote of at least four (4) members of the council. Any ordinance that repeals or amends existing ordinances shall set forth at length the amendment. Every ordinance, except an emergency ordinance, must be approved on two (2) readings not less

than one (1) week apart, and shall become effective after final approval unless terms provide a later effective date. Resolutions may be in written form before being adopted. Any resolution adopted by council shall be reduced to writing. Each resolution shall become effective when adopted unless its terms provide otherwise. 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. The emergency ordinance shall contain a full statement of the facts creating the emergency, and any emergency ordinance shall set an expiration date.

(b) The council shall have the general and continuing ordinances of the city assembled into an official code of the city, a copy of which shall be kept currently up to date by the city recorder and shall be available to the public. After adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section 1.02(c) may be adopted by ordinance that contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the council may deem desirable. Procedures prescribed by general law shall be followed when adopting such codes. Copies of the official code and any standard codes adopted by reference shall be available to the public as provided by state law.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city recorder.

SECTION 2.10. DONATIONS TO PRIVATE ORGANIZATIONS. Taxes and other city revenues are levied and collected for public purposes, and the use of such funds as donations or contributions to nongovernmental agencies or for private purposes is prohibited, but the council may contract with nongovernmental agencies for materials and services necessary to effectuate public purposes authorized by Tennessee Code Annotated, Section 6-54-11.

ARTICLE III

ORGANIZATION AND PERSONNEL

SECTION 3.01. ORGANIZATION OF CITY GOVERNMENT. The city government shall be organized into an administrative department, police department, fire department, and department of public works and utilities, unless otherwise provided by ordinance. The council shall determine, by ordinance, the functions and duties of all departments and offices. The council, through the budget ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city. The mayor may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city, subject to the following limitations:

(a) The number of members and authority of the council, as provided in this Charter, may not be changed;

(b) All officers and employees of the city, except the city recorder and city attorney, shall be appointed and removed by and shall be under the direction and control of the mayor; and

(c) The office of mayor may not be abolished, nor his charter powers be reduced.

SECTION 3.02. ADMINISTRATIVE DUTIES OF MAYOR. The mayor shall be the executive head of the city government, responsible for the efficient and orderly administration of the affairs of the city. He shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the city, and the city attorney shall take legal action as the mayor directs for these purposes. He may conduct inquiries and investigations into the affairs of the city and may have other powers and duties as provided by ordinance not inconsistent with this Charter.

SECTION 3.03. CITY RECORDER. The city council shall appoint and supervise a city recorder, who shall:

(a) Keep and preserve the city seal and all official records not required by law or ordinance to be filed elsewhere;

(b) Attend all meetings of the council and maintain a journal showing the proceedings of all such meetings, the council members present and absent, each motion considered, the title of each resolution and ordinance considered, and the vote of each council member on each question. This journal shall be open to the public during regular office hours of the city, subject to reasonable restrictions exercised by the city recorder;

(c) Prepare and certify copies of official records in his office. Fees for copies may be established by the city in compliance with state law, to be deposited into the city treasury;

(d) Serve as head of the department of finance if appointed to this position by the mayor;

(e) Perform other duties as required by the council or by the mayor; and

(f) Collect city court fines and appearance bonds and assist in the reconciliation of collected fines to the city docket book.

SECTION 3.04. CITY ATTORNEY. The council shall appoint a city attorney, and any assistant city attorneys as authorized by ordinance. The city attorney, or an assistant city attorney designated by him, may be responsible for representing and defending the city in all litigation in which the city is a party; and shall prosecute cases in the city court; attend all meetings of the council; advise the council, mayor, and other officers and employees of the city concerning legal aspects of their duties and responsibilities; approve, as to form and legality, all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and perform other duties as prescribed by the council or mayor.

SECTION 3.05. CITY COURT.

(a) Jurisdiction: The city court for the City of New Johnsonville, Tennessee, shall have concurrent jurisdiction with the general sessions court over offenses committed within its city limits, in all cases of violation of the criminal laws of the state or the ordinances of the city.

(b) Powers: The city judge may levy fines, sentences, penalties,

forfeitures, and costs, to issue all necessary processes and search warrants, administer oaths, and maintain order including the power to fine or punish for contempt under state laws or municipal ordinances.

(c) Compensation: The sole compensation for serving as city judge shall be a salary to be fixed by the city council under the laws and constitution of the State of Tennessee which may not be increased or decreased during the term of office, and shall be paid monthly from the general fund of the city.

(d) Term of office: The term of office of the city judge shall be eight (8) years.

(e) Election: Any city judge elected by popular vote must meet the requirements established in Article 6, Section 4 of the Tennessee Constitution regarding judges of the inferior courts.

(f) Bail: The bail of persons arrested and awaiting trial and persons appealing a decision of the city judge shall be fixed by the city judge upon security the judge deems necessary or as otherwise provided by ordinance. Cash bail of persons arrested may be accepted at such times and by the court clerk or city recorder. The person arrested shall be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in duplicate, with the depositor receiving the original and the city recorder or court clerk receiving the duplicate and money within twenty-four (24) hours after the arrest.

(g) Fines and costs: All fines and costs are payable to the city and may be paid by installments to be fixed with security determined and approved by the city judge or provided by ordinance. Upon any failure to pay fines and costs or to furnish security, the city judge shall commit the offender to the designated jail or workhouse until the fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of ten (10) days. Receipts of the city court shall be deposited daily with the city recorder and the city judge shall make monthly reports thereof to the council.

(h) Docket: The city judge shall maintain a docket book of all cases

handled by the court.

(i) Judge: Any person seeking appointment or election as city judge must be at least thirty (30) years of age effective the date of taking office and shall be a resident of Humphreys County within which this city is located.

(j) Court Costs: The court costs shall be established by ordinance of the city council which shall fairly reflect the cost of administration.

(k) Clerk of Court: To assist the city judge in maintaining docket entries, payments, and satisfaction of sentence, the citizens may elect a person to serve as clerk of the city court for a four-year term in accordance with Article VI, §13 of the state constitution.

(l) Separation of powers: The city judge shall be the exclusive judge of the law and the facts in every case before him, and no officer or employee of the city shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 3.06. OFFICERS AND EMPLOYEES. Only the offices and positions of employment provided for in the annual budget as approved by the council shall be filled.

SECTION 3.07. PERSONNEL ACTIONS. The appointment and promotion of employees of the city shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. Unless otherwise provided by this Charter, the mayor may make appointments, promotions and transfers, and make demotions, suspensions and removals of employees for reasonable cause, and may delegate this authority to department heads. Before removal, or suspension for more than fifteen (15) days, an employee shall be given a written notice of intention to suspend or remove him, containing a clear statement of the grounds for such proposed action and notification that he may appeal to the city council by filing, within ten (10) days, with the city recorder written notice of his intention to do so. After receipt of the notice the council shall set a time and place for a public hearing on the matter, to be held

within twenty (20) days. The votes of four (4) council members, excluding the mayor's vote, shall be required to override the suspension or removal, and the action of the council shall be a final determination of the matter. A suspension may be with partial or entire loss of salary, but if the suspension is overruled by the council any loss of salary shall be paid to the employee.

SECTION 3.08. PERSONNEL RULES. The council shall, by ordinance or resolution, adopt supplementary rules and regulations governing employment by the city, not inconsistent with the provisions of this Charter.

SECTION 3.09. OATH OF OFFICE. Before a person takes any elected office in the city government, he shall subscribe to the following oath or affirmation, administered by the city recorder or any judge:

"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 City of New Johnsonville, and that I will faithfully discharge the duties of the office of __"

SECTION 3.10. OFFICIAL BONDS. The mayor and every agent and any employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by council, shall give a fidelity bond or faithful performance bond, as determined by council, with some surety company authorized to do business in the State of Tennessee as surety, in an amount as prescribed by council. All such bonds and sureties thereto shall be subject to approval by the council. The cost of the bonds shall be paid by the city. These bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

SECTION 3.11. POLITICAL ACTIVITY PROHIBITED. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the city government. No person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee

of the city in connection with any city election.

ARTICLE IV

FISCAL ADMINISTRATION

SECTION 4.01. FISCAL YEAR. The fiscal year of the city government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year, unless otherwise provided by ordinance.

SECTION 4.02. MAYOR TO SUBMIT ANNUAL BUDGET. The mayor shall submit to the council a proposed budget for the next fiscal year that is in accordance with the Municipal Budget Law, codified at Tennessee Code Annotated, Section 6-56-201 et seq.

SECTION 4.03. CAPITAL IMPROVEMENT BUDGET. A capital improvement budget may also be prepared to include a description of projects recommended for the ensuing fiscal year and the five (5) fiscal years thereafter, the estimated cost of each project, and the recommendations of the mayor for financing the projects proposed for the ensuing year. The capital improvement budget shall be prepared by the mayor, and his recommendations shall be submitted to the council concurrently with the annual budget. The council may accept, reject, or revise the capital improvement budget as it deems desirable.

SECTION 4.04. PUBLIC HEARING. The city shall comply with public hearing requirements specified under Tennessee Code Annotated, Section 6-56-206, and as hereafter amended.

SECTION 4.05. ACTION BY COUNCIL ON BUDGET. The city shall comply with the Municipal Budget Law, codified at Tennessee Code Annotated, Section 6-56-201, et seq. and as hereafter amended.

SECTION 4.06. CONTROL OF EXPENDITURES. The Mayor shall be responsible for controlling expenditures of the various agencies of the city government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations without approval of the council.

SECTION 4.07. CENTRALIZED PURCHASING.

(a) All contracts and purchases, except those reserved to the council by ordinance, shall be made by the authority of the mayor.

(b) Purchases or contracts in excess of a defined amount set by ordinance shall require approval of the council. All purchases and contracts, except for minor items used infrequently or items which must be obtained immediately to avoid disruption of services, shall be by competition, subject to such regulations as may be provided by ordinance. Any expenditure or contract in excess of a defined amount set by ordinance shall be made only after sealed bids have been invited by notice published at least two (2) times in the official city newspaper and at the city hall, the last such notice to be published not less than fifteen (15) days in advance of the date set for receiving bids. Purchases and contracts may be awarded to the lowest responsible bidder, but all published notices shall state that the city reserves the right to reject any and all bids. The council may waive the requirement to obtain bids when there is only one (1) source of supply or when such action is in the best interest of the city, providing the reasons for any such waiver are made a matter of record. Bid records shall be preserved for a period of not less than seven (7) years after the contract expires. Bids need not be taken for professional services and services for which the rates or prices are regulated by public authority, nor shall competitive bidding be required for purchasing from other governmental agencies.

SECTION 4.08. UNAUTHORIZED CONTRACT OR EXPENDITURE. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the city is void and no expenditure shall be made thereunder. Every officer and employee who knowingly makes or participates in any such contract or agreement, or authorizes or makes any expenditure thereunder, and their sureties on their official bonds, and every person who knowingly receives such a payment, is jointly and severally liable to the city for the full amount paid or received. A violation of this section by any officer or employee is cause for removal, as provided by law.

SECTION 4.09. SALE OF CITY PROPERTY. The city shall establish and comply with a surplus disposal policy.

SECTION 4.10. ANNUAL AUDIT. Within 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 city for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include determination of legality of transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. It shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles. The audit shall be completed and a report, including a summary for publication, shall be submitted to the council within ninety (90) days after the end of the fiscal year.

SECTION 4.11. BONDS FOR PUBLIC WORKS CONTRACTS. The city shall comply with Tennessee Code Annotated, Section 12-4-201, et seq. regarding surety bonds.

SECTION 4.12. PROPERTY TAXES. All property subject to taxation shall be subject to the property tax levied by the city. The council may elect to use county assessments, or may appoint a city assessor to assess all property subject to taxation except property assessed by the-Tennessee Regulatory Authority in accordance with 65-4-117(a)(2). If assessments are made by a city assessor the council, by ordinance, shall provide for a city board of equalization and the procedure for appeals of assessments.

SECTION 4.13. If county assessments are used the city recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the city.

SECTION 4.14. TAX LEVY. The council shall make a tax levy, expressed as a fixed rate per \$100.00 of assessed valuation. In event of the council's failure to do so, the prior year's tax rate shall continue in effect.

SECTION 4.15. TAX DUE DATES AND TAX BILLS. The due dates of property

taxes shall be fixed by ordinance. The city shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty, or interest. As prescribed in Tennessee Code Annotate, Title 67, Chapter 5, property taxes shall become delinquent at the same time as all state, county and municipal taxes to be collected become delinquent, at which time a penalty of five percent (5%) shall be added and thereafter such taxes shall be subject to interest at the rate of one-half of one per cent (0.5%) for each month or fraction thereof until paid.

SECTION 4.16. DELINQUENT TAXES. The council may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the recorder for the sale of goods and chattels to be executed by any police officer of the city under the laws governing execution of such process from a judge; or by the county trustee as provided by general law; or by the city attorney acting in accordance with general laws providing for the collection of delinquent city or county taxes; by garnishment; by suits in chancery; or by any two (2) or more of these methods, or by the use of any other available legal processes and remedies. If the taxes are not otherwise collected, the city attorney, or other attorney designated by the council, shall file suit for collection of all delinquent taxes.

SECTION 4.17. COUNTY MAY COLLECT TAXES. The city may contract with the county for the collection of city taxes. The contract may provide for reasonable fees to be paid to the county for this service.

SECTION 4.18. TAXES NOT TO BE EXCUSED. No officer or employee of the city may excuse taxes, penalties, interest, special assessments, or other charges due the city, but errors may be corrected when authorized by council.

SECTION 4.19. DISBURSEMENTS BY CHECKS. All disbursements, except for any agency of the city administered by a board or commission, shall be made by checks signed by the city recorder and countersigned by the mayor or by direct withdrawal with written approval by the mayor and city recorder. The council may by resolution designate other officers to sign such checks in the absence or disability of the mayor or

city recorder.

SECTION 4.20. OFFICIAL DEPOSITORY. The council shall designate an official depository or depositories for deposit and safekeeping of funds of the city, with collateral security deemed necessary by the council.

SECTION 4.21. ACCOUNTING. The financial records of the city shall be established and maintained in general conformity with the accounts and procedures recommended by the Government Finance Officers Association or other nationally recognized authority on governmental accounting.

SECTION 4.22. TAX ANTICIPATION BORROWING. The council may borrow money in anticipation of taxes, for payment of current and necessary expenses, to be repaid in the same fiscal year.

ARTICLE V

INTERGOVERNMENTAL COOPERATION AND CONTRACTING

SECTION 5.01. INTERGOVERNMENTAL COOPERATION AND CONTRACTS.

In addition to other powers granted in this Charter, the city council may contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the exercise of any power or function the city is authorized to undertake by this Charter.

SECTION 5.02. EXECUTION OF SUCH POWERS. The city council may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action. Any party to such a contract or cooperative action, may acquire, by gift or purchase, or by the power of eminent domain exercised by one (1) or more of the parties, the lands, buildings, and other property necessary or useful for the purposes of the contract or cooperative action, either within or without the corporate limits of one (1) or more of the contracting parties, and may hold or acquire such property jointly. The city may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

The contract may also provide for the establishment and selection of a joint commission, officer or officers to supervise, manage, and have charge of a joint service or project, and may provide for the powers and duties, terms of office, compensation, if any, and other provisions relating to the members of such joint commission, office, or officers. The contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of the cancellation or termination.

SECTION 5.03. IMMUNITIES AND LIABILITIES OF OFFICERS. All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this article have the same immunities and the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

SECTION 5.04. HANDLING OF FUNDS. All money received under any such contract or cooperative action, under the provisions of this article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of the contract or cooperative action.

ARTICLE VI

MISCELLANEOUS PROVISIONS

SECTION 6.01. OTHER GENERAL LAWS MAY BE USED BY CITY.

Notwithstanding any provision of this Charter, the city 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 6.02. PENALTIES. The violation of any provision of this Charter, for which a penalty is not specifically provided herein, is a misdemeanor, and any persons guilty, of a violation shall be fined not more than state authorized maximum limits. Any person refusing contumeliously failing to pay a fine and costs may be committed to the workhouse to work out the fine.

SECTION 6.03. SEVERABILITY. If any article, section, subsection, paragraph, sentence, or part of this Charter is invalid or unconstitutional, this does not affect or impair any other parts of this Charter unless these 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. These provisions are severable.

SECTION 2. 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 New Johnsonville within sixty (60) days after its approval by the governor. Its approval or nonapproval shall be proclaimed by the presiding officer of such 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.