

SENATE BILL 2929

By Gresham

AN ACT to amend Chapter 182 of the Private Acts of 1998; as amended by Chapter 23 of the Private Acts of 2003; and any other acts amendatory thereto, relative to the charter of the City of Parsons.

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

SECTION 1. Section 10 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 10. Council to act only as a body; to deal with personnel through Mayor and City Administrator. That the Council shall act in all matters as a body, and shall not individually interfere in any way in the performance of the duties of the Mayor or any other officer or employee. The council shall deal with the various agencies, officers, and employees of the city, except boards or commissions authorized by this Charter, through the Mayor and City Administrator, and shall not give orders to any subordinates of the Mayor or City Administrator, either publicly or privately. Nothing herein contained shall prevent the Council from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary.

SECTION 2. Section 14 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 14. Governmental organization, appointment and removal of personnel. That the city government shall be organized into a Department of Finance, Police and Fire Department, Department of Environmental Improvement, Transportation Department, and Department of Utilities, unless otherwise provided by ordinance. The Council, upon proposal by the Mayor or City Administrator, shall determine by ordinance the functions and duties of all departments and offices. The Council, upon proposal by

the Mayor or City Administrator, may by ordinance, establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, 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, shall not be changed.

(b) All officers and employees of the city, except as otherwise specifically provided in this Charter, shall be appointed and removed by and shall be under the direction and control of the City Administrator.

(c) The office of Mayor shall not be abolished nor shall the powers, as provided in this Charter, be reduced.

(d) The City Judge shall not hold any other city office or position of employment, nor shall this office be abolished or its powers diminished. The Mayor shall appoint the members of all boards and commissions, said appointment to be made with the approval of a majority of the Council; the removal of all members of all boards and commissions shall be with a concurrence of a majority of the Council. Members of boards and commissions shall continue in office until their successors have been appointed and approved.

SECTION 3. Section 15 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 15. Appointment of city administrator.

(a) The Mayor shall appoint, subject to the approval of the Council, a City Administrator who shall be under the control and direction of the Council. The City Administrator shall report and be responsible to the Council.

(b) The Council may, by ordinance, require the City Administrator to perform any or all of the following duties:

(1) Administer the business of the city;

(2) Make recommendations to the Council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city;

(3) Keep the Council fully advised as to the conditions and needs of the city;

(4) Report to the Council the condition of all property, real and personal, owned by the city and recommend repairs or replacements as needed;

(5) Recommend to the Council and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the city;

(6) Recommend specific personnel positions, as may be required for the needs and operations of the city, and propose personnel policies and procedures for approval of the Council; and

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

(c) The City Administrator shall be the executive head of the city government, responsible for the efficient and orderly administration of the affairs of the city. The City Administrator shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the city, and the City Attorney shall take such legal actions as the City Administrator may direct for such purposes. The City Administrator may conduct inquiries and investigations into the affairs of the city and shall have such other powers and duties as may be provided by ordinance not inconsistent with this Charter. The office of City Administrator shall be a full-time position, and the Council may from time to time by ordinance establish certain functions and duties of the office of City Administrator that are not inconsistent with this Charter. Subject to provisions of this Charter, the City Administrator shall appoint and when deemed it necessary for the good of the people, may suspend or remove any employee of the City of

Parsons, including any appointed officer or department heads provided for by or under the Charter. The City Administrator may delegate to any appointive administrative officer the power to appoint, suspend, or remove a subordinate in that officer's division, department, office, or agency subject to such conditions and limitations such as the City Administrator may prescribe.

SECTION 4. Section 16 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 16. City Recorder authorized; Powers and Duties. That the City Administrator shall appoint, subject to the approval of the Council, a City Recorder and the Recorder shall have the following powers and duties:

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

(b) To attend all meetings of the Council and to 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 Recorder.

(c) To prepare and certify copies of official records in the Recorder's office. Fees for such services may be established by ordinance, to be deposited into the City Treasury.

(d) To serve as head of the Department of Finance if appointed to this position by the City Administrator.

(e) To perform such duties as may be required by the Council or by the Mayor.

(f) To serve at the pleasure of the City Administrator, who may remove the Recorder, without the approval of the Council.

SECTION 5. Section 18 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) That a City Judge who shall constitute the city court shall be appointed by the Council to serve at the will of the Council or for a term to be fixed by ordinance. The person appointed shall be not less than twenty-five (25) years of age. The Council shall designate someone to serve in the absence or incapacity of the City Judge.

(b) The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the city, and costs in such trials shall be fixed by ordinance. The City Judge shall have power to levy fines, penalties, forfeitures, and costs. The sole compensation for serving as City Judge shall be a salary fixed by the Council, and all fees for actions or ceases in his court shall belong to the city and shall be paid into the City Treasury.

SECTION 6. Section 20 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 20. Appointment, promotion, removal, or suspension of personnel.

That 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 City Administrator shall have authority to make appointments, promotions, and transfers, and to make demotions, suspensions, and removals of employees for reasonable cause, and may delegate such authority to department heads. Before removal, or suspension for more than fifteen (15) days, an employee shall be give a written notice of intention to suspend or remove the employee, containing a clear statement of the grounds for such proposed action and notification that the employee may appeal to the City Council by filing within ten (10) days with the City Recorder written notice of the employee's intention to do so. After receipt of such notice, the Council shall set a time and place for a public hearing on the matter, to be held within twenty (20) days thereafter. The votes of four (4) Council

members, 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 7. Section 26 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 26. Annual budget to be proposed by City Administrator. That not later than forty-five (45) days prior to the beginning of each fiscal year, the City Administrator shall submit to the Council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) Revenue and expenditures during the preceding year,
- (b) Estimated revenue and expenditures for the current fiscal year,
- (c) Estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue,
- (d) A comparative statement of the cash surplus (or deficit) at the end of the preceding year and the estimated surplus (or deficit) at the end of the current fiscal year, and
- (e) Any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the Mayor or requested by the Council.

The City Administrator may recommend and estimate receipts from additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message from the City Administrator containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget, and such other comments and information as the City Administrator may deem pertinent. A sufficient number of copies of the City Administrator's message shall be reproduced to furnish a copy

to any person desiring one. A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Council member.

SECTION 8. Section 27 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 27. Capital improvements budget. That 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 City Administrator for financing the projects proposed for the ensuing year. The capital improvements budget shall be prepared by or reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the City Administrator to the Mayor and Council concurrently with the annual budget. The Council may accept, reject, or revise the capital improvement budget as it deems desirable.

SECTION 9. Section 28 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 28. Public hearing required on budget. After receiving the City Administrator's proposed budget, the Council shall fix a time and place for a public hearing thereon, and shall cause a public notice thereof and an announcement of where and when the full budget may be examined to be published two (2) times in the official city newspaper, the last such publication to be at least ten (10) days in advance of the date of the hearing. The public hearing shall be held before the Council at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard.

SECTION 10. Section 29 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 29. Council to adopt annual appropriation ordinance; amendments thereto; City Administrator to make monthly budget report. That after the public hearing and before the beginning of the ensuing fiscal year the Council shall adopt an

appropriation ordinance, based on the City Administrator's proposed budget with such modifications as the Council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The Council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property, or lives of the inhabitants of the city declared by a vote of all members of the Council. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this section. Amendments may be made to the original appropriations ordinances at any time during a current fiscal year by a majority vote of the Council. Appropriations, except emergency appropriations as provided above, may be increased during the year only after the City Administrator certifies in writing that a sufficient amount of unappropriated revenue will be available. Any portion of an annual budget remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be subject to appropriation for the following year. Any balance remaining in any fund other than the general fund at the end of a fiscal year may remain to the credit of such fund and be subject to further appropriations. At the end of each month the City Administrator shall submit to the Council a budget report showing revenue receipts, encumbrances, and expenditures for that month and for the fiscal year to the end of that month.

SECTION 11. Section 30 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 30. City Administrator to control expenditures. That the City Administrator 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.

SECTION 12. Section 31 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting subsection (a) and substituting instead the following:



(a) All contracts and purchases, except those reserved to the Council by ordinance, shall be made by the purchasing agent appointed by the City Administrator, or by the City Administrator acting as purchasing agent. The purchasing agent may prescribe rules for emergency purchases to be made by department heads.

Departments shall estimate their future needs and requisition items so that purchases in maximum quantities may be made. The purchasing agent shall prepare standard specifications for supplies and equipment and enforce such specifications, dispose of surplus or worn out supplies and equipment, store, and maintain records of materials and supplies, and maintain records of city property.

SECTION 13. Section 33 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the word "Mayor" wherever it appears and substituting instead the word "City Administrator."

SECTION 14. Section 43 of Chapter 182 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 43. Disbursements: signatures required for checks. That 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 or City Administrator and countersigned by the Mayor. The Council may by resolution designate other officers to sign such checks in the absence or disability of the Mayor or Recorder or City Administrator.

SECTION 15. 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 Parsons. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body of the City of Parsons and certified to the Secretary of State.

SECTION 16. For the purpose of approving or rejecting the provisions of this act, it shall be effective on June 2, 2022, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 15.