

## PROPOSED REVISIONS TO THE CHARTER OF THE CITY OF CROSSVILLE 2013

Committee Members: Laney Colvard, Randy Graham, Ted Meadows

### ARTICLE III: CORPORATE POWERS

Section 1 "Powers Enumerated" Subsection (5)

**Current:** Borrow money. To anticipate the annual revenue by borrowing money to meet the payments of interest on the bonded debt of the town or other budgeted obligations; provided the amount borrowed in any year shall not exceed fifty percentum of the annual tax levy for that year, which shall promptly be repaid out of such tax collections.

**Proposed:** Borrow money. To anticipate the annual revenue by borrowing money to meet the payments of interest on the bonded debt of the town or other budgeted obligations which shall promptly be repaid out of such tax collections.

**Justification:** Update Charter

Section 1 "Powers Enumerated" Subsection (7)

**Current:** ...under section 3408-3493 of the Code of Tennessee.....

**Proposed:** ...under section 7-32-101 – 7-362-141 of the Code of Tennessee.....

**Justification:** Update to current references

Section 1 "Powers Enumerated" Subsection (10)

**Current:** ...of section 3109-3132 of the Code of Tennessee.....

**Proposed:** ...of section 29-16-101 – 29-16-124 of the Code of Tennessee.....

**Justification:** Update to current references

Section 1 "Powers Enumerated" Subsection (17)

**Current:** ...by section 3409-3493 of the Code of Tennessee.....

**Proposed:** ...of section 7-32-101 – 7-32-141 of the Code of Tennessee.....

**Justification:** Update to current references

Article 1 "Powers Enumerated" Subsection (30)

**Current:** 3<sup>rd</sup> sentence – And in case of the failure of the owner or operator of any such railroad or railroads to comply with such ordinance, it shall be subject to a fine of \$50.00 for each day that it fails to comply therewith,.....

**Proposed:** 3<sup>rd</sup> sentence – And in case of the failure of the owner or operator of any such railroad or railroads to comply with such ordinance, it shall be subject to a fine of \$50.00 (or maximum allowed by law) for each day that it fails to comply therewith,.....

**Justification:** To provide for any changes made in the future by the General Assembly

### ARTICLE IV: ELECTIONS

Section 4 "City Councilmembers: commencement and terms of office"

**Current:** Be it further enacted, That the terms of all city councilmembers shall begin on the first Monday in January following the date of their election, and shall continue until the election and qualification of their successors.

*Editor's note: The provisions of this section have been superseded by Priv. Acts 1991, ch 101. See section 5 which follows.*

**Proposed:** Delete in its entirety

**Justification:** Clean up and avoid confusion

Section 5 "City councilmembers: dates of elections, number elected, designation of mayor"

**Current:** Be it further enacted, that the councilmembers and the mayor shall be elected by the qualified voters of the City of Crossville at the regular November election for a term of four (4) years beginning with the 1992 election. The terms of office shall begin on the third Monday in November following the date of their election, and shall continue until the election and qualification of their successors. Provided however, the persons elected at the first election following the adoption of this act shall commence office on January 4, 1993; thereafter, the newly elected persons shall commence office on the third Monday in November.

**Proposed:** Be it further enacted, that the councilmembers and the mayor shall be elected by the qualified voters of the City of Crossville at the regular November election for a term of four (4) years beginning with the 1992 election. The terms of office shall begin on the first Monday in December following the date of their election, and shall continue until the election and qualification of their successors. Provided however, the persons elected at the first election following the adoption of this act shall commence office on January 4, 1993; thereafter, the newly elected persons shall commence office on the first Monday in December.

**Justification:** To allow more time for the election to be certified by the Election Commission.

#### ARTICLE V: CITY COUNCIL

Section 3 "Items constituting disqualification for council membership"

**Current:** .... or of violating any of the provisions of Section 2645 of the Code of Tennessee....

**Proposed:** .... or of violating any of the provisions of Title 2 of the Code of Tennessee....

**Justification:** Update to current references

Section 6 "When council can exercise its powers"

**Current:** Be if further enacted, that the said council shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the council except through proceedings adopted at some regular or special session.

**Proposed:** Be if further enacted, that the said council shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the council, except through proceedings adopted at some regular or special session. Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and employees solely through the manager. Neither the council nor any member thereof shall give orders to the manager's subordinates or otherwise interfere with managerial functions through

such means as directing or requesting the appointment or removal of any of the manager's subordinates, or the making of particular purchases from, or contracts with, any specific organization.

**Justification:** To clarify the chain of command in the Council-City Manager form of government. The proposed language comes from T.C.A. § 6-35-203 under the "Modified City Manager-Council Charter".

Section 8 "Special meetings; limitations on business discussed; public announcement"

**Current:** Be it further enacted, that whenever, in the opinion of the mayor, or of any two councilmembers, the welfare of the city demands it, the mayor or any two councilmembers may call special meetings upon not less than twenty-four (24) hours written notice to each councilmember, served personally or left at his usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. The mayor or city manager shall cause at least one (1) announcement of any such specially called meeting to be broadcast over a local radio station during such twenty-four (24) hour period.

**Proposed:** . Be it further enacted, that whenever, in the opinion of the mayor, or of any two councilmembers, the welfare of the city demands it, the mayor or any two councilmembers may call special meetings upon not less than twenty-four (24) hours written notice to each councilmember, served personally or left at his usual place of residence, or noticed by electronic means. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. The mayor or city manager shall cause at least one (1) announcement of any such specially called meeting to be broadcast over a local radio station during such twenty-four (24) hour period and posted on the city's website.

**Justification:** To recognize electronic communications as official notices.

Section 10 "Vacancy of council and how filled:

**Current:** Be it further enacted, that in the event of a vacancy occurring in the first or subsequent City Council, such vacancy shall be filled by the remaining councilmembers, and such councilmember shall serve the unexpired term of his predecessor in office.

**Proposed:** Be it further enacted, (a) A vacancy shall exist if a council member: (1) resigns; (2) dies; (3) moves the member's residence from inside the corporate boundaries; (4) has been continuously disabled for a period of six (6) months so as to prevent the council member from discharging the duties of such office; (5) fails to attend 60% of regular council meetings in any period of 6 consecutive months; or (6) is convicted of malfeasance of misfeasance in office, a felony, a violation of the charter, or a violation of the election laws of the state. (b) A vacancy shall be filled within 60 days, by an affirmative vote of a majority of the remaining council members, the appointee to serve until the next regular city or county election, which is first held. If a tie vote by the council to fill a vacancy is unbroken for 60 days, the mayor shall appoint a qualified person to fill the vacancy. No appointment to fill a vacancy shall be made within 60 days prior to any regular city election.

**Justification:** To better define vacancies and how they are filled. The proposed language comes from T.C.A. § 6-31-201 under the “Modified City Manager-Council Charter”.

Section 11 “Appointment of mayor pro tem”

**Current:** Be it further enacted, that at the first meeting of the council and thereafter at the first meeting after a general city election, said council shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor, who shall act as mayor pro-tem, and who shall have all the power herein granted to the mayor while so acting.

**Proposed:** Be it further enacted, that at the first meeting of a new council after a general city election, said council shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor, who shall act as mayor pro-tem, and who shall have all the power herein granted to the mayor while so acting.

**Justification:** With the change of dates when councilmembers take office, the possibility existed that the old council could elect the mayor pro tem. This change clarifies when the appointment takes place.

Section 12 “Vacancy in office of mayor and how filled”

**Current:** Be it further enacted, that such member shall act as mayor during any temporary absence, inability, or failure to act of the mayor, and whenever a vacancy occurs in the office of mayor such member shall become mayor and hold office as such for the unexpired term.

**Proposed:** Be it further enacted, that the mayor pro tem shall act as mayor during any temporary absence, inability, or failure to act of the mayor, and whenever a vacancy occurs in the office of mayor the mayor pro tem shall become mayor and hold office as such for the unexpired term.

**Justification:** Clarification of the section

Section 14 “Council proceedings: how effectuated”

**Current:** 2<sup>nd</sup> paragraph – No fine for any one offense under this section shall exceed fifty dollars, nor shall any imprisonment for any one offense exceed ten days, but each day’s continuance in any refusal as aforesaid shall be a separate offense.

**Proposed:** 2<sup>nd</sup> paragraph – No fine for any one offense under this section shall exceed fifty dollars (or maximum allowable by law), nor shall any imprisonment for any one offense exceed ten days (or maximum allowable by law), but each day’s continuance in any refusal as aforesaid shall be a separate offense.

**Justification:** To provide for any changes made in the future by the General Assembly

Section 16 “Discharge of public officers”

**Current:** Be it further enacted, that the provisions of the statute of Tennessee known as the Act for the removal of unfaithful public officers, and commonly referred to as the General Ouster Law of the State of Tennessee, being sections 1877 to 1902, inclusive, of the Code of Tennessee, shall apply to and be in force as to the City Council, the mayor, and the city judge, and all such officers shall be subject to removal from office under the provisions of said law, and for violation thereof.

**Proposed:** Be it further enacted, that the provisions of the statute of Tennessee known as the Act for the removal of officers, and commonly referred to as the General Ouster Law of the State of Tennessee, being sections 8-47-101 to 8-47-126, inclusive, of the Code of Tennessee, shall apply to and be in force as to the City Council, the mayor, and the city judge, and all such officers shall be subject to removal from office under the provisions of said law, and for violation thereof.

**Justification:** Update to current references

#### ARTICLE VI: ORDINANCES

Section 3 “Signatures required; filing of ordinances”

**Current:** Be it further enacted, that every ordinance and resolution upon final passage shall be signed by the mayor or mayor pro tem, and shall thereupon be delivered to the city clerk whose duty it shall be to number and copy same in an ordinance book to be kept for that purpose, together with the signature of the mayor and councilmembers.

**Proposed:** Be it further enacted, that every ordinance and resolution upon final passage shall be signed by the mayor or mayor pro tem (in the absence of the mayor), and shall thereupon be delivered to the city clerk whose duty it shall be to number and copy same in an ordinance book to be kept for that purpose, together with the signature of the mayor and councilmembers.

**Justification:** Clarification

Section 4 “Publication of ordinances”

**Current:** Be it further enacted, that all ordinances of a penal nature passed shall be published at least once in a newspaper of the city, and no such ordinance shall be in force until so published, and no other ordinance or resolution, except as herein expressly provided, shall be required to be published to be effective.

**Proposed:** Be it further enacted, that all ordinances of a penal nature passed shall be published at least once in a newspaper of the city and on the City’s official website, and no such ordinance shall be in force until so published, and no other ordinance or resolution, except as herein expressly provided, shall be required to be published to be effective. Alternatively, if permitted by law, the ordinance may be posted on the City’s official website for 14 days before enactment.

**Justification:** To recognize electronic communications as official notices.

#### ARTICLE VII: MAYOR

Section 1 “Powers granted and duties imposed by the charter”

**Current:** Be it further enacted, that the mayor shall preside at all meetings of the City Council and perform such other duties consistent with his office as may be imposed by it and he shall have a seat, a voice, and a vote. He shall sign the journal of the council and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and he may introduce ordinances in the City Council.

**Proposed:** Be it further enacted, that the mayor shall preside at all meetings of the City Council and perform such other duties consistent with his office as may be imposed by it and he shall have a seat, a voice, and a vote. He shall sign the journal of the council and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and he may introduce ordinances in the City Council.

Notwithstanding the foregoing, contracts of less than \$5,000 may be signed by the Mayor or City Manager.

**Justification:** Allows City Manager to sign small contracts within their approval limit.

Section 3 “Shall receive legal process”

**Current:** Be it further enacted, that all legal process against the city shall be served upon the mayor or city attorney.

**Proposed:** Be it further enacted, that all legal process against the city shall be served upon the mayor, city attorney, or city manager.

**Justification:** Recognizes the city manager as the full-time administrative officer and more available for service.

#### ARTICLE VIII: CITY MANAGER

Section 1 “Appointment, compensation, qualifications”

**Current:** Be it further enacted, that the City Council shall appoint a city manager for an indefinite term and fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment but may reside outside the city while in office only with the approval of the councilmembers.

**Proposed:** Be it further enacted, that the City Council shall appoint a city manager for a term up to, but not to exceed, three (3) years upon such terms and conditions acceptable and as approved by City Council. The City Council may offer a severance package, but only under the terms and conditions permitted by applicable law, to the City Manager, which package cannot exceed, in aggregate, the total sum of the most recent six months, immediately preceding the separation or termination of the City Manager, of the city Manager’s base salary, provided, however, that no such severance package shall be made available where the City Manager is terminated for cause. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment but may reside outside the city while in office only with the approval of the city council.

**Justification:** Provides for a contract with a city manager.

Section 2 – “Removal” Subsection (3) – 2<sup>nd</sup> paragraph

**Current:** The manager shall continue to receive his salary until the effective day of a final resolution of removal. The action of the City Council in suspending or removing the manager shall not be subject to review by any court or agency.

**Proposed:** The manager shall continue to receive his salary until the effective day of a final resolution of removal or until his/her entitlement to receive their salary pursuant to the contract is fulfilled. The action of the City Council in suspending or removing the manager shall not be subject to review by any court or agency.

**Justification:** To recognize contractual obligations.

Section 3 – “Appointment of acting city manager during absence or disability of city manager”

**Current:** Be it further enacted, that by letter filed with the city clerk the manager shall designate, subject to approval of the City Council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the City Council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

**Proposed:** Be it further enacted, that by letter filed with the city clerk the manager shall designate, subject to approval of the City Council, a qualified city employee to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the City Council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

**Justification:** Clarification

Section 4 – “Chief administrative officer of the city; powers and duties” Subsection 1

**Current:** He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer’s department, office or agency.

**Proposed:** He shall appoint, fix salaries of all other city employees within the appropriation set by city council and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer’s department, office or agency.

**Justification:** Council sets the budget but manager has the ability to adjust salaries within the budget. This will keep individual personnel salary issues out of Council meetings.

## ARTICLE IX: OFFICERS AND EMPLOYEES

Section 2 – “City attorney”

**Current:** 5<sup>th</sup> sentence “The city attorney shall be required to collect attorney’s fees in the same amounts and as provided for by Section 1590 of the Code of Tennessee.....

**Proposed:** 5<sup>th</sup> sentence “The city attorney shall be required to collect attorney’s fees in the same amounts and as provided for by Section 67-5-2410 of the Code of Tennessee.....

**Justification:** Update to current references

Section 5 – “Compensation of city employees”

**Current:** Be if further enacted, that the City Council shall fix the salaries of the city judge, city attorney, clerk, finance director, as well as all other employees of said city. The City Council shall establish and make provisions in the appropriation resolution for the payment of such salaries and the salaries of such other officers, agents, and employees as may be necessary.

**Proposed:** Change title to “Compensation of city officials and employees” Be if further enacted, that the City Council shall fix the salaries or contract amounts for the city judge, city attorney, and city manager. The City Council shall establish and make provisions in the appropriation resolution for the payment of such salaries of all other officers, agents, and employees.

**Justification:** Council sets the budget but manager has the ability to adjust salaries within the budget. This will keep individual personnel salary issues out of Council meetings. This is in conjunction with the proposed changes to Article VIII Section 4.

Section 7 – “Bond required of employees, officers and agents handling money”

**Current:** last sentence “If at any time it appears to the mayor or city manager that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty days after he shall have been notified, his office shall be vacant.

**Proposed:** Delete last sentence

**Justification:** Officers and employees do not currently provide bonds to the city. They are covered and paid for by the blanket bonds of the city.

ARTICLE X: FINANCE DIRECTOR AND TAXATION

**Proposed:** Change title to “Finance and Taxation”

**Justification:** The article is not specifically about the Finance Director

Section 5 – “Penalties and interest on unpaid taxes”

**Current:** Be it further enacted, that on the first day of January of the year following that for which the taxes are assessed, or other date provided by ordinance, a penalty of one half of one percentum upon all taxes (other than privilege and merchants’ ad valorem taxes), remaining unpaid shall be imposed and collected by the City of Crossville and paid into the City Treasury. An additional penalty of one-half of one percentum shall be added for each month thereafter for nine months. In addition to said penalties such taxes shall bear interest at 6% per annum from and after the date due. Said Act as to penalties shall be retroactive as of the first day of January, 1948.

**Proposed:** Be it further enacted, that on the first day of January of the year following that for which the taxes are assessed, or other date provided by ordinance, a penalty of one and one half percentum per month upon all taxes (other than privilege and merchants’ ad valorem taxes), remaining unpaid shall be imposed and collected by the City of Crossville and paid into the City Treasury.

**Justification:** The change represents what is actually being collected, which is in accordance with T.C.A. §67-5-2010



ARTICLE XI: TAXATION AND REVENUE

Section 1. "City Tax Assessor"

**Current:** Be it further enacted, that there shall be a City Tax Assessor of said City of Crossville, whose duty it shall be to assess for taxation all property, real, personal and mixed, having its situate within the corporate limits of said City. Said assessment shall be made under the laws by which such property is assessed for State and County purposes. The City Tax Assessor shall be appointed by the City Council of the City of Crossville and shall be at least twenty-five years of age, shall be well acquainted with property and the value of property in the said City of Crossville, and shall have been a resident of said City for at least one (1) year and of Cumberland County for at least five (5) years, prior to qualification in office. The City Tax Assessor shall take and subscribe to the following oath before entering upon his or duties as City Tax Assessor.

I, \_\_\_\_\_, assessor of property of the City of Crossville, do solemnly swear (or affirm) that I will report privileges; that I will assess all taxable property, real and personal and mixed, at its actual cash value, located within the City of Crossville, to the best of my knowledge and ability, without fear, favor, or affection; that I will administer the oath or affirmation required by law, or have the same administered, to all person listing propety; that I will diligently inquire, so that no person shall be passed over or shall fail to have an opportunity to give a list of his or her or its and/or taxable property. I will faithfully, impartially, and honestly discharge my duties as assessor, according to law, to the best of my knowledge and ability, and that I will not assess or list any person with property solely by substitution or copy from former assessment, so help me God.

\_\_\_\_\_, Assessor

Sworn and subscribed before me, this \_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public

My commission expires \_\_\_\_\_

That City Tax Assessor shall attend the sittings, either special or regular, of the Board of City Tax Equalization, and shall furnish said Board all information requested, including any papers and documents in the custody or under the control of said City Tax Assessor; and shall perform such other duties as may be required by the City Council.

The salary or compensation of the City Tax assessor shall be set by the City Council and paid out of the general fund.

When a vacancy occurs in the office of City Tax Assessor by death, resignation, removal, dismissal, or for any other reason a successor shall be appointed by the Councilmembers of the City of Crossville.

**Proposed:** Delete in its entirety.

**Justification:** No longer utilized as all assessments are done through the County Assessor of Property to avoid duplication, according to State law.

Section 2. "City Board of Tax Equalization"

**Current:** Be it further enacted, that there shall be a City Board of Tax Equalization. Said Board shall consist of three (3) members, who shall been residents of the City of Crossville for one (1) year and of Cumberland County for five (5) years next preceding

their appointment, and who shall be at least thirty (30) years of age, and experienced in the values of property within said City of Crossville. The members of said Board shall be appointed by the City Council of the City of Crossville. The members of said Board shall take and subscribe to the following oath before entering upon their duties as such Tax Equalization Board.

I, \_\_\_\_\_, member of the Board of Equalization of the City of Crossville, do hereby solemnly swear (or affirm) that I will, without fear, favor, or affection, perform the duties required of me by the oath of office and the laws of the State; that I will carefully examine, compare, and equalize all assessment lists and values of property in said Town of Crossville designated in the assessment rolls, and equalize, fix, and compute the value of all such properties upon the standard of an actual cash valuation as directed by the laws of the State, by raising the value of all properties assessed at less than actual cash value of the same to be the actual cash value thereof, and by reducing the values of all properties assessed at greater than the actual cash value of the same to the actual cash value thereof, and in all respects faithfully, honestly, and impartially do and perform each and every duty imposed upon me as a member of said Board.

Sworn and subscribed to before me, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public

My commission expires\_\_\_\_\_.

Said Board shall be governed by the same provisions, laws and requirements as the County Board of Equalization, so far as they may be applicable; and it shall have the same powers and authority to raise or lower assessments so as to equalize them. Said Board shall meet in the City Office Building, Crossville, Tennessee, or such other place as the City Councilmembers may provide. Said Board shall have the power to prescribe its rules of procedure and the hours of its sessions. When the City Board of Tax Equalization shall have determined the matters of equalization and values before it and within its jurisdiction, such action shall be final; provided, the vote of two (2) out of the three (3) members of said Board shall be necessary to constitute the action of the Board upon all questions coming before it.

The length of time that the city Board of Tax Equalization shall consider the matters committed to their charge and the compensation, if any, to be paid to the members of said Board for their services, shall be fixed and declared by resolution.

**Proposed:** Delete in its entirety.

**Justification:** No longer utilized as all assessments are done through the County Assessor of Property to avoid duplication, according to State law.

Section 5 – “Assessment and collection of ad valorem tax”

**Current:** Be it further enacted, that the ad valorem tax upon merchants, stocks, accounts, and equipment may be assessed and collected in like manner as state and county merchants ad valorem tax is assessed upon the same property; It shall be the duty of the City tax assessor and of the railroad and public utilities commission of Tennessee to prepare a separate assessment book or roll showing real, personal and mixed property assessable by him (or it) lying within the limits of the city.

**Proposed:** Be it further enacted, that the ad valorem tax upon merchants, stocks, accounts, and equipment may be assessed and collected in like manner as state and county merchants ad valorem tax is assessed upon the same property; It shall be the duty of the Cumberland County Assessor of Property and of the railroad and public utilities commission of Tennessee to prepare a separate assessment book or roll showing real, personal and mixed property assessable by him (or it) lying within the limits of the city.

**Justification:** Change to reflect current practice.

Section 7 – “Date when taxes may be levied”

**Current:** Be it further enacted, That the city council of the city shall have full power to levy taxes as of January 10<sup>th</sup> of each and every year.

**Proposed:** Be it further enacted, That the city council of the city shall have full power to levy taxes as of January 1<sup>st</sup> of each and every year.

**Justification:** Change to reflect current practice and state law T.C.A. 67-5-504.

Section 8 – “Tax book prepared”

**Current:** Be it further enacted that as soon as practicable in each year after the assessment books for the City of Crossville shall have been completed (which shall be after equalization board provided for herein shall have completed their work), it shall be the duty of the Finance Director to prepare or cause to be prepared from the said assessment books of the city tax assessor and of the railroad and public utilities commission of Tennessee a tax book similar in form to that required by laws of the state to be made out for the county trustee, embracing, however , only such property and persons as are liable for taxes within the city. Such tax books, when certified to be true, correct, and completed by the Finance Director, shall be the assessment for taxes in said City of Crossville for all municipal purposes; provided, that there may be an assessment by the Finance Director at any time, of any property subject to taxation found to have been omitted and such assessment shall be duly noted and entered on the assessment books of the city.

**Proposed:** Be it further enacted that as soon as practicable in each year after the assessment books for the City of Crossville shall have been completed (which shall be after equalization board provided for herein shall have completed their work), it shall be the duty of the Finance Director to prepare or cause to be prepared from the said assessment books of the Cumberland County Assessor of Property and of the railroad and public utilities commission of Tennessee a tax book similar in form to that required by laws of the state to be made out for the county trustee, embracing, however, only such property and persons as are liable for taxes within the city. Such tax books, when certified to be true, correct, and completed by the Finance Director, shall be the assessment for taxes in said City of Crossville for all municipal purposes; provided, that there may be an assessment by the Finance Director at any time, of any property subject to taxation found to have been omitted and such assessment shall be duly noted and entered on the assessment books of the city.

**Justification:** City tax assessor no longer utilized

## ARTICLE XIII: CITY BONDS

### Section 3 – “Term of bonds”

**Current:** Be it further enacted, that the City Council shall estimate the probably life of improvements proposed to be erected or purchased.....

**Proposed:** Be it further enacted, that the City Council shall estimate the probable life of improvements proposed to be erected or purchased.....

**Justification:** Correct spelling

### Section 5 – “Bond issues must be assented to by a majority of the qualified voters”

**Current:** Be it further enacted, that no bonds of the city, except bonds for paying, refunding, or removing bonded indebtedness, and except bonds issued under the provisions of section 3408-3493, of the Code of Tennessee.....

**Proposed:** Be it further enacted, that no bonds of the city, except bonds for paying, refunding, or removing bonded indebtedness, and except bonds issued under the provisions of section 7-32-101 through 7-34-110, of the Code of Tennessee.....

**Justification:** Update to current references

## ARTICLE XV: BUDGET AND APPROPRIATIONS

### Section 4 “Budget to be financial plan; city manager to organize; budget categories” Subsection 3

**Current:** 2<sup>nd</sup> paragraph – The total of proposed expenditures shall not exceed the total of estimated income.

**Proposed:** 2<sup>nd</sup> paragraph – The total of proposed expenditures shall not exceed the total of estimated income and cash reserves.

**Justification:** To allow for the use of cash reserves to balance the budget.

### Section 6 – “Budget process – notice and hearing, amendment before adoption, adoption” subsection 2(b) “Amendment Before Adoption”

**Current:** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

**Proposed:** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income and cash reserves.

**Justification:** To allow for the use of cash reserves to balance the budget.

Section 9 – “Appropriations – supplemental, emergency, reduction, transfer, limitations” subsection c “Reduction of Appropriations”

**Current:** If at any time during the fiscal year it appears probably to the manager that the revenues available will be insufficient.....

**Proposed:** If at any time during the fiscal year it appears probably to the city manager that the revenues available will be insufficient.....

**Justification:** Add “city” to provide clarification.

Section 9 – “Appropriations – supplemental, emergency, reduction, transfer, limitations” subsection d “Transfer of Appropriations”

**Current:** At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

**Proposed:** At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the city manager, the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another

**Justification:** Add “city” to provide clarification.

Section 11 – “Work programs and allotments; when payment and obligations prohibited” subsection a “Work Programs and Allotments”

**Current:** At such time as the manager shall specify, each department office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with an supplemental emergency, reduced or transferred appropriations made pursuant to Section 9.

**Proposed:** At such time as the city manager shall specify, each department office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The city manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with an supplemental emergency, reduced or transferred appropriations made pursuant to Section 9.

**Justification:** Add “city” to provide clarification.

Section 11 – “Work programs and allotments; when payment and obligations prohibited” subsection b “Payments and Obligations Prohibited”

**Current:** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in

such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

**Proposed:** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

**Justification:** This eliminates the need for the end of the year ordinances with all contracts. The city is already contractually obligated to the payments, regardless of an ordinance.

#### Section 12 – “Audit of books and accounts of city”

**Current:** Be it further enacted, That the books and accounts of the city shall be audited at the end of the fiscal year. Appropriate portions of said annual audit, including profit and loss statements and balance sheets of each department and agency of city government shall be published in a newspaper of general circulation in Cumberland County within thirty (30) days after the completion of such audit.

**Proposed:** Be it further enacted, That the books and accounts of the city shall be audited at the end of the fiscal year. Appropriate portions of said annual audit, including profit and loss statements and balance sheets of each department and agency of city government shall be published in a newspaper of general circulation in Cumberland County within thirty (30) days after the completion of such audit and posted on the city’s website.

**Justification:** Allows for electronic notification.

## ARTICLE XVI: DEPARTMENTS

Section 1 – “Departments enumerated” Proposed change to “Administrative organization”

**Current:** Be it further enacted, that the work and affairs of the city may be classified and arranged conveniently and conducted efficiently; there are hereby established the following departments:

- (1) Department of Finance;
- (2) Department of Public Safety;
- (3) Department of Public Works;
- (4) Department of Public Welfare;
- (5) Department of Education;
- (6) Department of Public Utilities

**Proposed:** (1) Within the framework established by this charter, the administrative organization of the city shall be organized into departments of general government, finance, and such other departments necessary to provide health, welfare, police, recreation, fire, public works, utilities and other municipal services as shall be provided in a plan of administrative organization to be developed by the City Manager and submitted to the council for approval. (2) Administrative regulations governing the operations and relationships of departments, agencies, and offices within the administrative organization shall be prepared and issued by the city manager; provided, that the authority to prepare and issue departmental rules and regulations may be delegated to designated subordinates.

**Justification:** To provide flexibility for Council and City Manager in organizing the departments as needs and requirements change.

## ARTICLE XVII: POLICE FORCE

Section 3 – “Compensation”

**Current:** Be it further enacted, that the chief of police and other members of the police force shall receive salaries to be fixed by the City Council.

**Proposed:** Delete in its entirety

**Justification:** Provided for in earlier proposed changes to put this authority under the City Manager within the budgets allocated by the City Council.

## ARTICLE XIX: WATER WORKS

Section 1 – “Appointment, duties, powers, and compensation of supervisor and his subordinates”

**Current:** Be it further enacted, That the city manager shall employ a supervisor of the system of water works and may employ such subordinate officers, agents, and employees, as may be necessary to transact the business necessarily connected with the operation and maintenance of said waterworks system, and may delegate to such subordinate officers, agents, and employees any business connected therewith but they shall not have the right or authority to make any contracts binding upon the city except and unless they are authorized and directed to do so by ordinance or resolution of said city duly and regularly passed. The salaries and compensation of the supervisor and all such subordinate officers, agents, and employees shall be fixed by the city council.

**Proposed:** Be it further enacted, That the city manager shall employ a supervisor of the system of water works and may employ such subordinate officers, agents, and employees, as may be necessary to transact the business necessarily connected with the operation and maintenance of said waterworks system, and may delegate to such subordinate officers, agents, and employees any business connected therewith but they shall not have the right or authority to make any contracts binding upon the city except and unless they are authorized and directed to do so by ordinance or resolution of said city duly and regularly passed.

**Justification:** Provided for in earlier proposed changes to put this authority under the City Manager within the budgets allocated by the City Council.

#### Section 2 – “Use of funds of the water department”

**Current:** Be it further enacted, that the funds of the water department shall be kept in a separate account and, except as herein provided, shall not be transferred to the general fund of the city; provided, however, that at the end of each fiscal year all funds in said separate account not necessary to meet debt service payment, accrued general operating expense, accrued cost of maintenance and an adequate sinking fund for the payment of interest and retirement of the maturing bonds of the water department, may be transferred to the general fund of the city by resolution passed by a majority vote of the entire membership of the city council.

**Proposed:** Be it further enacted, that the funds of the water department shall be kept in a separate account and shall not be transferred to the general fund of the city.

**Justification:** State law does not allow the transfer of funds from the water department to the general fund.

#### Section 3 – “Rules and Regulations”

**Current:** Be it further enacted, That the City Council of said city shall have full power and authority, by ordinance or resolution to make and enforce reasonable rules and regulations and to fix water rates, tolls or the price for the use of water, to prescribe discounts for prepayment, and may, for said purposes, enter upon the premises where water is used or desired to be used, for the purpose of inspection, repairs, or other work, in introducing or regulating the use of water, or where water is to be cut off on account of non-payment of water rents, or for any other reason whatever; and said city council shall have full power and authority to collect and enforce collection of all moneys due for the use of water or arising out of the operation of said plant; and in case of failure to pay water rents to cut off the supply and discontinue the furnishing of water until all arrearages are paid, and until all expenses for cutting off or turning on water shall have been paid. said city shall have the power to grant the use of water free of charge to persons who are objects of charity and to charitable institutions.

**Proposed:** Be it further enacted, That the City Council of said city shall have full power and authority, by ordinance or resolution to make and enforce reasonable rules and regulations and to fix water rates, tolls or the price for the use of water, to prescribe discounts for prepayment, and may, for said purposes, enter upon the premises where water is used or desired to be used, for the purpose of inspection, repairs, or other work, in introducing or regulating the use of water, or where water is to be cut off on account of non-payment of water rents, or for any other reason whatever; and said city



council shall have full power and authority to collect and enforce collection of all moneys due for the use of water or arising out of the operation of said plant; and in case of failure to pay water rents to cut off the supply and discontinue the furnishing of water until all arrearages are paid, and until all expenses for cutting off or turning on water shall have been paid. Said city shall have the power to grant the use of water free of charge to persons who are objects of charity and to charitable institutions.

**Justification:** correct typo

## ARTICLE XX: CITY COURT AND JUDGE

### Section 3 – “Exclusive powers of the city judge”

**Current:** Be it further enacted, That no person, officer, or employee, whomsoever other than the city judge shall have the right or power or be permitted to remit in whole or in part any fine or costs imposed by the city judge or to release any prisoner whether awaiting trial or otherwise, except on the order of the city judge; and any person violating this section shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00, nor more than \$50.00 and shall forfeit his office, provided that in case of emergency incident to illness or accident, prisoners may be released on order of a qualified physician.

**Proposed:** Be it further enacted, That no person, officer, or employee, whomsoever other than the city judge shall have the right or power or be permitted to remit in whole or in part any fine or costs imposed by the city judge or to release any prisoner whether awaiting trial or otherwise, except on the order of the city judge; and any person violating this section shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00, nor more than \$50.00 (or maximum allowable by law) and shall forfeit his office, provided that in case of emergency incident to illness or accident, prisoners may be released on order of a qualified physician.

**Justification:** To provide for any changes made in the future by the General Assembly

### Section 4 – “Appeal and appeal bond”

**Current:** Be it further enacted, That any person dissatisfied with the judgment of the court, in any case or cases heard and determined by the court, may within ten entire days thereafter, Sundays excluded, appeal to the next Law Court at Crossville upon giving bond with good and sufficient security as approved by the said city court for the successful prosecution of the appeal, provided, however, that in prosecutions for violations of city ordinances the bond shall not exceed \$250.00.

**Proposed:** Be it further enacted, That any person dissatisfied with the judgment of the court, in any case or cases heard and determined by the court, may within ten entire days thereafter, Sundays excluded, appeal to the next Circuit Court at Crossville upon giving bond with good and sufficient security as approved by the said city court for the successful prosecution of the appeal, provided, however, that in prosecutions for violations of city ordinances the bond shall not exceed \$250.00.

**Justification:** Clarify reference to “Law Court”

### Section 10 – “Service of process”

**Current:** Be it further enacted, that the Chief of Police and all assistant policemen are hereby empowered and required to serve process of any kind or character issued out of the city court.

**Proposed:** Be it further enacted, that the Chief of Police and sworn and certified officers are hereby empowered and required to serve process of any kind or character issued out of the city court.

**Justification:** Clarification

#### Section 11 – “Service of subpoenas”

**Current:** Be it further enacted, that subpoenas for witnesses issued from said city court may be served in any county in this state by any executive officer thereof, under the same rules governing like process issuing from the courts of record in this state.

**Proposed:** Be it further enacted, that subpoenas for witnesses issued from said city court may be served in any county in this state by any sworn and certified officer thereof, under the same rules governing like process issuing from the courts of record in this state.

**Justification:** Clarification

### ARTICLE XXI: ADVERTISEMENT FOR PUBLIC WORKS

#### Section 1 – “Rules governing letting of contracts”

**Current:** Be it further enacted, That any public work or improvement costing more than one thousand dollars, shall be executed by contract, except when a specific work or improvement is authorized by the City Council to be done by the City’s own employees.

All contracts for more than one thousand dollars shall be awarded to the lowest or best responsible bidder, after such publication, advertisement, and competition, as may be prescribed by ordinance; but no contract for any public work or improvement shall be awarded except on condition the contractor gives bond with some bonding company authorized to transact business in the State of Tennessee as surety, in a sum equal to at least fifty per cent (50%) of the contract price of the particular work or improvement, for the faithful performance of such contract.

But the City Council shall have the power to reject all of the bids and to perform the work with City’s own forces and all advertisements shall contain a reservation of this right.

**Proposed:** Be it further enacted, That any public work or improvement costing more than five thousand dollars, shall be executed by contract, except when a specific work or improvement is authorized by the City Council to be done by the City’s own employees.

All contracts for more than five thousand dollars shall be awarded to the lowest or best responsible bidder, after such publication, advertisement, and competition, as may be prescribed by ordinance; but no contract for any public work or improvement shall be awarded except on condition the contractor gives bond with some bonding company authorized to transact business in the State of Tennessee as surety, in a sum equal to at least one hundred per cent (100%) of the contract price of the particular work or improvement, for the faithful performance of such contract.

But the City Council shall have the power to reject all of the bids and to perform the work with City’s own forces and all advertisements shall contain a reservation of this right.

**Justification:** Change to current practice

