

HOUSE BILL 2131

By Sanderson

AN ACT to amend Chapter 450 of the Acts of 1901; as amended by Chapter 220 of the Acts of 1903, Chapter 570 of the Private Acts of 1939, Chapter 467 of the Private Acts of 1943, Chapter 66 of the Private Acts of 1965, Chapter 148 of the Private Acts of 1988, Chapter 4 of the Private Acts of 1999, Chapter 49 of the Private Acts of 2001, and any other acts amendatory thereto relative to the Town of Newbern.

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

SECTION 1. Section 6 of Chapter 450 of the Private Acts of 1901, as amended by Chapter 570 of the Private Acts of 1939, Chapter 467 of the Private Acts of 1943, Chapter 66 of the Private Acts of 1965, Chapter 4 of the Private Acts of 1999, Chapter 49 of the Private Acts of 2001, and any other acts amendatory thereto, pertaining to municipal elections for the Town of Newbern, is hereby repealed.

SECTION 2. A new Section 6 of the Newbern Town charter pertaining to municipal elections is hereby created, to read as follows:

Section 6. *Be it further enacted*, That beginning with the municipal election scheduled for November 6, 2012, the Mayor of Newbern shall be elected to a four (4) year term of office and there shall be an election for Mayor every four (4) years thereafter on the first Tuesday following the first Monday of November. Beginning with the municipal election scheduled for November 6, 2012, there shall be an election for each of the Town's six (6) aldermanic seats. For the purpose of staggering the aldermanic terms of office, the three (3) aldermanic candidates receiving the highest number of votes in the 2012 municipal election shall serve terms of four (4) years each and be subject to re-election every four (4) years thereafter; the three (3) aldermanic

candidates receiving the lowest number of votes in the 2012 municipal election shall serve initial terms of two (2) years each and be subject to re-election every four (4) years thereafter. Elections shall be held biennially on the first Tuesday following the first Monday of November.

SECTION 3. Section 11 of Chapter 450 of the Private Acts of 1901, and references in Chapter 467 of the Private Acts of 1943, and any other acts amendatory thereto, pertaining to the City Recorder, are hereby repealed.

SECTION 4. A new Section 11 of the Newbern Town charter relating to the City Recorder is hereby created, to read as follows:

Section 11. *Be it further enacted*, That the Mayor shall appoint a City Recorder, subject to the approval of the Board of Mayor and Aldermen. The City Recorder shall serve at the pleasure of the Board of Mayor and Aldermen for an indefinite term of office and shall have the following duties and responsibilities:

(1) Under the direction of the Mayor, prepare and monitor the annual budget for all departments;

(2) Supervise all accounting functions for all funds; supervise the collection, disbursement and safe keeping of all funds of the city; develop long-range financial planning; and act as advisor to the Board of Mayor and Aldermen on all questions relating to the business and financial affairs of the Town;

(3) Keep the Board of Mayor and Aldermen advised as to the financial condition of all funds of the Town and the future needs of the Town; develop a central purchasing policy; and oversee the purchase of all materials, supplies and equipment for the proper conduct of the city's business through the issuance of purchase orders and competitive bidding as required by law;

(4) Prepare the agenda for the governing body's meetings and be responsible for the minutes and maintenance of the records of the proceedings of such meeting. The Recorder shall prepare resolutions and ordinances for consideration by the governing body, and shall maintain copies of all legislation

adopted by the Board of Mayor and Aldermen. The Recorder shall attend all meetings of the Board of Mayor and Aldermen at the Board's request;

(5) Be responsible for the maintenance of all types of insurance coverage such as health, liability, workers' compensation, etc., and maintain an inventory of all equipment and real estate owned by the Town;

(6) Act as the Town's personnel officer by maintaining a personnel file on each city employee in a centralized location;

(7) Represent the Town at official functions as directed by the Mayor; and

(8) Perform other duties as directed by the Board of Mayor and Aldermen.

SECTION 5. Section 12 of Chapter 450 of the Private Acts of 1901, as amended by Chapter 220 of the Acts of 1903, Chapter 148 of the Private Acts of 1988, and any other acts amendatory thereto, pertaining to the Chief of Police, are hereby repealed.

SECTION 6. A new Section 12 of the Newbern Town charter relating to the Chief of Police is hereby created, to read as follows:

Section 12. *Be it further enacted*, That the Mayor shall appoint a Chief of Police, subject to the approval of the Board of Mayor and Aldermen. The Chief of Police shall serve at the pleasure of the Board of Mayor and Aldermen for an indefinite term of office. The Chief of Police shall thoroughly acquaint himself with the laws and ordinances, and rigidly enforce them. He shall have authority, without warrant in hand, to issue a citation or arrest any person within corporate limits for any offense committed against any corporate ordinance in his presence and with warrant in hand he may execute it against the offending party and arrest him anywhere in the County; the Chief of Police shall execute promptly all process that may come into his hands and make due return of same in thirty (30) days, showing what he has done, and he shall perform such other duties as may be imposed upon him by the Board. He shall make report every thirty (30) days of the funds collected by him and turn same over to the Recorder.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Mayor and Board of Aldermen of the Town of Newbern, Tennessee, not more than one hundred twenty (120) days after passage of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the Mayor and Board of Aldermen of the Town of Newbern, Tennessee, within ten (10) days thereafter and certified to the Secretary of State.

SECTION 9. 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 upon being approved as provided in Section 8.