

HOUSE BILL 2394

By Fraley

AN ACT to repeal Chapter 223 of the Private Acts of 1913; Chapter 514 of the Private Acts of 1917; Chapter 895 of the Private Acts of 1921; Chapter 398 of the Private Acts of 1925; Chapter 285 of the Private Acts of 1947; Chapter 262 of the Private Acts of 1951; Chapter 140 of the Private Acts of 1953; Chapter 476 of the Private Acts of 1953; Chapter 16 of the Private Acts of 1955; Chapter 127 of the Private Acts of 1971; Chapter 88 of the Private Acts of 1973 and Chapter 93 of the Private Acts of 2006 by Chapter 514 of the Private Acts of 1917; Chapter 895 of the Private Acts of 1921; Chapter 398 of the Private Acts of 1925; Chapter 285 of the Private Acts of 1947; Chapter 262 of the Private Acts of 1951; Chapter 140 of the Private Acts of 1953; Chapter 476 of the Private Acts of 1953; Chapter 16 of the Private Acts of 1955; Chapter 127 of the Private Acts of 1971; Chapter 88 of the Private Acts of 1973; Chapter 93 of the Private Acts of 2006; and any other acts amendatory thereto, being the charter of the Town of Huntland, and to enact a new charter for the town.

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

SECTION 1. Chapter 223 of the Private Acts of Tennessee for 1913, as amended by Chapter 223 of the Private Acts of 1913, as amended by Chapter 514 of the Private Acts of 1917, Chapter 895 of the Private Acts of 1921, Chapter 398 of the Private Acts of 1925, Chapter 285 of the Private Acts of 1947, Chapter 262 of the Private Acts of 1951, Chapter 140 of the Private Acts of 1953, Chapter 476 of the Private Acts of 1953, Chapter 16 of the Private Acts of 1955; Chapter 127 of the Private Acts of 1971, Chapter 88 of the Private Acts of 1973, Chapter 93 of the Private Acts of 2006, and any other acts amendatory thereto, being the charter of the Town of Huntland, is amended by repealing such charter in its entirety and by substituting instead the following:

CHARTER OF THE TOWN OF HUNTLAND, TENNESSEE

ARTICLE I

CHARTER DEFINITIONS, TOWN LIMITS, AND CORPORATE POWERS

SECTION 1.01 Act constitutes Town Charter. The Town of Huntland, Tennessee, will continue as a body politic and corporate by the name and style of Town of Huntland, Tennessee, and this act constitutes its complete Charter. The Town of Huntland has 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, unless the context otherwise requires:

- (a) "Town" or "Municipality" means the Town of Huntland;
- (b) "Board" and "Town Board" mean the legislative body of the Town, which is composed of the Mayor and five Aldermen elected as provided in this Charter;
- (c) "Alderman" and "Member of the Board" means a person elected to the office of Alderman as provided in this Charter;
- (d) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization;
- (e) "At large" means the entire Town;
- (f) "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 an 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;
- (g) "Elector" means a qualified voter residing within the Town, a registered owner of real estate situated within the Town, or a non-resident who owns property in the Town and is otherwise qualified to vote; and
- (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. Town Limits. The boundaries of the Town are as follows:

Beginning at an iron pin in center of N. C. & St. L. Railway, this point being 363 ft. East of the Southeast corner of Huntland Cemetery; 2. Thence at right angles with the above mentioned N. C. & St. L. Railway, South $17\frac{1}{4}^{\circ}$ East 1555 ft. to an iron pin in center of Gore Street; 3. Thence along the center line of above mentioned Gore Street South $77\frac{1}{4}^{\circ}$ West 120 ft. to an iron pin in center of said Street, same being Northeast corner of school lot and Keith's corner; 4. Thence along the above mentioned school lot South $10\frac{1}{2}^{\circ}$ East 318 ft. to an iron pin, same being Southeast corner of school lot and point in Keith's West line; 5. Thence along the South line of above mentioned school lot South $79\frac{1}{2}^{\circ}$ West 634 ft. to an iron pin, point in South line of school lot and point in Gore's north line; 6. Thence South $59\frac{1}{4}^{\circ}$ West 1578 ft. to an iron pin, same being $27\frac{1}{2}$ ft. South of the southwest corner in a line with the West face of Gore's main barn; 7. Thence South 72° West 1200 ft. to a stake, same being $48\frac{1}{2}$ ft. North of a six inch white oak tree and 388 ft. East of power pole on East side of Elora-Huntland Road; 8. Thence, North $47\frac{1}{4}^{\circ}$ West 570 ft. to a stake in Stovall Sisters' West line and Sutton's East line, same being 4 ft. South of the South edge of a thirty-six inch black gum tree; 9. Thence, North $2\frac{1}{2}^{\circ}$ West 1193 ft. to an iron pin; 10. Thence South 77° West 1129 ft. to an iron pin, same being point in Kennedy's West Line and point in Jones' East line; 11. Thence along the above mentioned Jones' line and along Kennedy's line North 11° West 447 ft. to an iron pin in center of N. C. & St. L. Railway; 12. Thence along the center line of above mentioned N. C. & St. L. Railway, North $72\frac{3}{4}^{\circ}$ East 595 ft. to an iron pin in center of said railway, this point being 2137 ft. West of mile post No. 16 and 43 ft. West of West edge of old section house; 13. Thence at right angles with the above mentioned N. C. & St. L. Railway North $17\frac{1}{4}^{\circ}$ West 868 ft. to an iron pin in center of Limestone Road; 14. Thence along the center of above mentioned Limestone Road North $87\frac{1}{2}^{\circ}$ East 476 ft. to an iron pin in center of said road; 15. Thence North $1\frac{3}{4}^{\circ}$ West 287 ft. to an iron pin North of Mrs. Jernigan's barn and including same. 16. Thence South 89° East 899 ft. to an iron pin 420 ft. West of H. R.

Moore's barn and point in Mrs. Lexie Bonner's South line; 17. Thence North 9° West 1517 ft. to an iron pin; 18. Thence North 11° West 653 ft. to an iron pin; 19. Thence South $88\frac{1}{4}^{\circ}$ East 979 ft. to an iron pin in Tennessee Highway No. 97; 20. Thence along the center line of above mentioned Tennessee Highway No. 97 North $8\frac{1}{2}^{\circ}$ East 100 ft., to an iron pin in center of said highway, Payne's Southwest corner and Ray Johnson's N.W. Corner; 21. Thence along the above mentioned Payne's line, Clark's line, and along Ray Johnson's North line North 79° East 3225 ft. to an iron pin, Clark's corner and Ray Johnson's Northeast corner; 22. Thence South 42° East 315 ft to a hickory tree; 23. Thence South 8° East 2036 ft. to an iron pin in center of N. C. & St. L. Railway, Ray Johnson's Southeast corner; 24. Thence along the center of above mentioned N. C. & St. L. Railway South $72\frac{3}{4}^{\circ}$ West 1670 ft. to the beginning.

Beginning at an iron pin in center line of N. C. & St. L. Railroad, this point being 363 feet East of the Southeast corner of Huntland cemetery; thence along the center line of the above mentioned N. C. & St. L. Railroad North $72\frac{3}{4}^{\circ}$ East 499.5 feet to a spike in center line of said railroad, near Porter's Northeast corner and near Toye L. Hayes' Northwest corner; thence leaving the railroad and along Porter's East line south $14\frac{1}{2}^{\circ}$ East 534 feet to a point in center line of Alabama Street near Porter's Southeast corner and near Toye L. Hayes' Southwest corner; thence along the center line of the above mentioned Alabama Street North 68° East 481 feet to a point in center line of said street, same being near Royce Payne's Northeast corner and near W. D. Sisk's Northwest corner; thence leaving the Street and along the above mentioned Royce Payne's East line South 18° East 223 feet to a stake in W. D. Sisk's West line, same being at or near Royce Payne's Southeast corner; thence along Payne's South line, Reels' South line, Emmett Keith, Jr.'s South line, Bank's South line, passing 5 feet South of the South face of Payne's outdoor toilet and 5 feet South of the South face of Keith's barn, South $68\frac{3}{4}^{\circ}$ West 959 feet to a stake in old corporation line; thence along old corporation line, North $17\frac{1}{4}^{\circ}$ West 780.5 feet to the beginning.

(2) In addition to the boundaries described above, the Town's boundaries include any property or areas annexed subsequent to Chapter No. 223 of the Private Acts of 1913.

SECTION 1.04. Corporate powers. The Town has power to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of the Local Government Public Act of 1986, codified of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, in accordance with the Local Governmental Public Obligations Act of 1986, codified at Tennessee Code Annotated, Title 9, Chapter 21, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or

future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes in accordance with Tennessee Code Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation, including the municipality, franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises shall embrace the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The Board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits thereafter may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished the municipality and those therein. The power to make contracts shall embrace the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but

not longer. The Board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, and to regulate their use within the corporate limits, assess fees for the use of or impact fees and adequate facility taxes upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, § 7-31-107 through § 7-31-111 and § 29-16-114, or any other manner provided by general law. However, no impact fee or adequate facilities tax shall be imposed that violates the provisions of the County Powers Relief Act, codified at Tennessee Code Annotated, Section 67-4-2901, et seq.

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues,

alleys or other public places within the corporate limits, and to assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapter 32;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling; the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or to license and regulate such collection and disposal, and the cost of such collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which such businesses, occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(25) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(26) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the Town, or to contract with the county to keep such persons in the correctional facility of the county;

(27)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.

(B) Provide by ordinance for court costs in accordance with the Municipal Court Reform Act of 2004, codified at Tennessee Code Annotated, Title 16, Chapter 18, Part 3.

(28) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(29) Call elections as herein provided; and

(30) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated.

ARTICLE II

MAYOR AND TOWN BOARD

SECTION 2.01. Election of Mayor and Board.

(1) A Mayor and five (5) Aldermen shall be elected at large in a nonpartisan municipal election conducted by the Election Commission of Franklin County at the same hours and places for holding general elections and under the general election laws of the state, as follows: At the regular Town election to be held on the first Thursday in August of 2009, there shall be elected two (2) Aldermen and a Mayor who shall hold office for four (4) years and until their successors are duly elected and qualified. At the regular Town election to be held in August of 2011 and every four (4) years thereafter, there shall also be elected three (3) Aldermen who shall hold office for four (4) years and until their successors are elected and qualified. Any elector who has been a resident of the Town for at least two (2) years may be qualified as a candidate by a nominating petition submitted to the Franklin County Election Commission at such time and manner as determined by the general laws of the state of Tennessee.

(2) Each elector shall be entitled to vote for two candidates for Alderman and one candidate for Mayor in the August, 2009 municipal election and three candidates for Alderman in the August, 2011 election.

(3) Commencement of Terms. The terms of office of Mayor and all Councilmen shall commence at 12:01 P.M. on the first day of September next following their election and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, provided 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. The giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, pursuant to Tennessee Code Annotated, Section 8-17-101, is strictly prohibited, and any person convicted of such shall be deemed to be ineligible to hold an office or position of employment in the Town government for a period of five (5) years.

SECTION 2.03. Town Board.

(a) The five (5) Aldermen elected under this Charter shall comprise the Town Board, in which is vested all corporate, legislative and other powers of the Town, except as otherwise provided in this Charter.

(b) The salary of the Mayor and Aldermen shall be as determined by a majority vote of the entire Board, however, no salary may be increased or decreased during a term of office.

(c) The Board shall meet regularly at least once every month at the Town hall or municipal building, or at such other public place and time as may be prescribed by ordinance. The Board shall meet in special session upon written notice of the Mayor or any three Aldermen and served on the other members of the Board personally at least twelve (12) hours in advance of the meeting. Only the business stated in the written call may be transacted at a special meeting. Informal meetings or work sessions of the Board may be held for the purpose of fact finding and conducting inspections; however, there shall be no deliberation or official action taken by the Board in such meetings. The Board may only exercise its powers in public meetings.

(d) A majority of the Board constitutes a quorum. The Board may, by ordinance, adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

SECTION 2.04. Mayor as presiding officer. The Mayor presides at meetings of the Board, and has a vote only in the event of a tie. The Mayor is the chief administrative officer and ceremonial head of the Town. The Mayor is the officer to accept process, and upon whom process against the Town is served. The mayor shall perform other duties prescribed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 2.05. Vice-mayor. The Board shall elect from its membership a Vice-Mayor, for a term of two (2) years, who has a vote on all questions proposed at any meeting. The Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or inability to act, and shall fill out any expired term in the office of Mayor, in which case an Alderman shall be elected by majority vote of the Board to serve as Vice-Mayor.

SECTION 2.06.

(a) Vacancy in office of Mayor or Alderman. A vacancy exists if the Mayor or an Alderman resigns, dies, moves their residence from the Town, 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 meeting of the Aldermen for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of five (5) months so as to prevent the Mayor or Aldermen from discharging the duties of their office. The Board by resolution shall declare a vacancy to exist for any of these reasons, and such finding is final.

(b) In the event of a vacancy in the office of Mayor, the Board shall appoint an Alderman to serve as Mayor until the next regular municipal election. The Board shall fill vacancies in the office of Alderman by affirmative vote of a majority of the remaining members, but any portion of an unexpired four (4) year term for the office of Alderman or Mayor that remains beyond the next municipal election shall be filled by the voters at such election, if the vacancy occurs at

least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

(c) All such elections by the Board shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the Board, the presiding officer shall vote to break the tie.

(d) 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 Town for a period of ten (10) years from the date of conviction.

SECTION 2.07. Restrictions on Aldermen. The Board shall act in all matters as a body, and no member may seek individually to influence the official acts of the Mayor or any other officer or employee of the Town, or to direct or request the appointment of any person to, or 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. The Board shall deal with the various agencies, officers and employees of the Town, 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. Nothing herein prevents an Alderman from conducting inquiries into the operation of the Town government and the conduct of the Town's affairs as such alderman deems necessary. The office of any Alderman violating any provision of this section shall immediately become vacant upon such alderman's conviction in a court of competent jurisdiction.

SECTION 2.08. Designation of official newspaper. The Board may by motion designate a newspaper of general circulation in Franklin County, Tennessee, as the newspaper for publication of official notices of the Town.

SECTION 2.09. Town legislation.

(a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises or contracts over five hundred dollars (\$500), conveying or leasing or authorizing conveyance or lease

of any lands of the Town, or required to be done by ordinance under this Charter or the general laws of the state, may only be done by ordinance. Other actions of the Board may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances is "Be It Ordained by the Board of Aldermen of the Town of Huntland:". No action of the Board is valid or binding unless approved by the affirmative vote of at least three (3) members of the Board. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended. Every ordinance except an emergency ordinance must be approved on two (2) readings not less than one (1) week apart and shall become effective when adopted upon second and final reading unless its terms provide a later effective date. Every ordinance, except codes adopted by reference as provided in subsection (c) of this section, shall be read in full on the first reading; the second reading may be by title only, except that any amended provisions shall be read in full. Each resolution shall be read in full one (1) time and shall be effective when adopted unless its terms provide otherwise. To address a public emergency affecting life, health or property, an emergency ordinance may be adopted on one reading and become effective immediately, by the affirmative votes of three (3) members of Board, if the ordinance contains a full statement of the facts creating the emergency. However, any emergency ordinance shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, or special privileges may not be passed as emergency ordinances.

(b) The Board shall have the general and continuing ordinances of the Town assembled and copied in a well bound book or loose leaf filler book, a copy of which shall be kept current by the Town Recorder and shall be available for public inspection.

(c) The Board may have the general and continuing ordinances of the Town assembled into an official code of the Town a copy of which shall be kept

up to date by the Town Recorder and shall be available for public inspection.

Upon adoption of the Town code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(d) Standard codes may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the Board may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the Board.

(e) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the Town Recorder.

SECTION 2.10. Contributions, Donations to Non-Profit Organizations. The Board is authorized to appropriate public funds for contributions or donations to non-profit organizations, in accordance with the general laws of the state of Tennessee. The Board is prohibited from appropriating public funds for private for-profit organizations.

ARTICLE III

ORGANIZATION AND PERSONNEL

SECTION 3.01. Organization of Town Government. The Town government shall be organized into departments of Records, Finance, Police, Codes, Fire, and of Public Works and Utilities, unless otherwise provided by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board may, by ordinance, establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the Town; 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 Town, subject to the following limitations:

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

(b) All officers and employees of the Town, except as otherwise specifically provided in this Charter, are appointed and removed by the Mayor but only with the approval of the majority of the Board voting upon such appointment or removal, and such employees shall be under the direction and control of the Mayor; and

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

SECTION 3.02. Administrative duties of Mayor. The Mayor is the executive head of the Town government, responsible for the efficient and orderly administration of the affairs of the Town. The Mayor is responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the Town, and the Town Attorney shall take such legal actions as the Mayor may direct for such purposes. The Mayor may conduct inquiries and investigations into the affairs of the Town and has such other powers and duties as may be provided by ordinance not inconsistent with this Charter.

SECTION 3.03. Town Attorney. The Board shall appoint a Town Attorney, and such Assistant Town Attorneys as may be authorized by ordinance. The Town Attorney, or an Assistant Town Attorney designated by such Town Attorney, shall be responsible for:

- (a) Representing and defending the Town in all litigation to which the Town is a party;
- (b) Attending all meetings of the Board;
- (c) Advising the Board, Mayor and other officers and employees of the Town concerning legal aspects of their duties and responsibilities;
- (d) Approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and
- (e) Performing such other duties as may be prescribed by the Board.

SECTION 3.04. Department of Records. The Town Recorder is the director of the Department of Records.

(1) Appointment. The Mayor, with the approval of a majority of the Board, shall appoint a Town Recorder, who also may be appointed to the positions of Finance Director or Treasurer, or both.

(2) Recorder's Functions at Board Meetings. The Town Recorder, or the Recorder's designee, shall be present at all meetings of the Board and keep a full and accurate record of all business transacted by the Board, to be preserved in permanent form.

(3) Custody of Official Records. The Town Recorder, or the Recorder's designee, shall have custody of, and preserve in the Recorder's office the Town seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds, except the Recorder's bond, which shall be in the custody of the Mayor, and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

(4) Ownership of Records. All such records are the property of the Town of Huntland.

(5) Copies of Records and Ordinances.

(A) The Town Recorder shall provide, copy, and, when required by any officer or person, certify copies or records, papers and documents in the Recorder's office.

(B) Fees for copying and certification shall be charged as established by ordinance.

SECTION 3.05. Town Judge —Town Court.

(a) The Board is authorized to establish a Town court presided over by a Town Judge appointed by the Board.

(b)

(1) The Town Judge shall have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance.

(2) In the absence or disability of the Town Judge, the Mayor may designate a qualified person to serve as Town Judge to be the acting Town Judge until one can be appointed at the next regularly scheduled meeting of the Board, or as otherwise provided by ordinance.

(c) Powers to Enforce Ordinances.

(1) The Town Judge may impose fines, not to exceed fifty dollars (\$50.00), costs and forfeitures, and punish by fine for violation of Town ordinances.

(2) The Town Judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed.

(3) The Town Judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

(d) Fines and costs. Receipts of the Town court shall be deposited daily with the Town Treasurer, and the Town Judge shall make monthly reports thereof to the Board.

(e) The Town Judge shall keep a docket of all cases handled by him.

(f) The Town Judge is the exclusive judge of the law and the facts in every case before him, and no officer or employee of the Town shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 3.06. Officers and employees. Offices and positions of employment shall be filled as the Board determines necessary. Salaries, wages, and remuneration for all positions shall be in accordance with a duly-made motion and adopted by majority vote. In determining salaries, wages, and remuneration, due consideration shall be given to duties, responsibilities, technical knowledge and skill and education required to satisfactorily perform the work, and the availability of persons having the qualifications desired.

SECTION 3.07. Personnel actions. The appointment and promotion of employees of the Town shall be on the basis of merit, considering technical knowledge and education 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 shall, with the approval of a majority of the Board, make appointments, promotions, transfers, demotions, suspensions, and removal of employees. The Mayor may, without the approval of the Board, for reasonable cause, suspend any employee. Upon suspension of an employee by the Mayor, the Mayor shall call a meeting of the Board within ten (10) days of such suspension and present the matter of the suspension to the Board. The Board shall make such investigation of the suspension as it may choose, and then by affirmative vote of a majority of the Board revoke the suspension and reinstate the employee, set a definite period of suspension, or dismiss the employee. The Board shall, also by a majority vote, decide whether or not an employee shall receive compensation during any period of suspension. If an employee is dismissed, the employee shall receive only such compensation as was due the employee through the last day worked for the Town.

SECTION 3.08. Personnel rules. The Board shall by ordinance adopt personnel rules and regulations governing personnel administration by the Town, not inconsistent with the provisions of this Charter. The Town Recorder shall be the custodian of all personnel records.

SECTION 3.09. Oath of Office. Before a person takes any office in the Town government, such person shall subscribe to the following oath or affirmation, administered by the Town Recorder or any judge or official authorized by general law to administer oaths:

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and the state of Tennessee, that I will, in all respects observe the provisions of the Charter and ordinances of the Town of Huntland, and that I will faithfully discharge the duties of the office of (Specify office)."

SECTION 3.10. Official bonds. The Mayor and every officer, agent, and employee of the Town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board, with some surety company authorized to do business in the state of Tennessee as surety, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board. The cost of such bonds shall be paid by the Town. Such 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 Town 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 Town in connection with any Town election. An officer or employee of the Town, other than the Mayor or a member of the Board, shall not make any contribution to the campaign funds of any candidate in any Town election. Any person who by himself or with others willfully or corruptly violates any provision of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall immediately forfeit and vacate the office or position such person holds and be ineligible to hold any office or position of employment in the Town government for a period of five (5) years thereafter.

SECTION 3.12. Personal financial interest. Officers or employees of the Town shall not profit personally, directly or indirectly, from any business transacted with the Town government, nor shall any officer or employee accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the Town.

ARTICLE IV

FISCAL ADMINISTRATION

SECTION 4.01. Fiscal year. The fiscal year of the Town government shall begin on the first day of July of each year and end on the last day of June of each year. The fiscal year of all boards, commissions, branches, or other divisions of the Town government shall begin and end as the Board may provide by ordinance, and if no such ordinance is passed by the Board, the same shall be commensurate with the fiscal year of the Town government.

SECTION 4.02. Control of expenditures. The Mayor, or such other official as the Board may direct, shall be responsible for controlling expenditures of the various agencies of the Town government so as to accomplish maximum efficiency and economy.

SECTION 4.03. Purchasing. Purchasing for the Town of Huntland shall be in accordance with Tennessee Code Annotated, Title 6, Chapter 56, Part 3. The Town Recorder shall serve as the Town's purchasing agent.

SECTION 4.04. Unauthorized contract or expenditure. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the Town shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such payment, shall be jointly and severally liable to the Town for the full amount so paid or received. A violation of this Section by any officer or employee shall be cause for their removal.

SECTION 4.05. Annual audit. Within thirty (30) days after the beginning of each fiscal year, the Board shall employ an independent, certified public accountant to make an audit of all financial records of the Town for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include a determination of the legality of transactions, the mathematical accuracy of records, complete accountability, and the 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 Board within one hundred eighty (180) days after end of the fiscal year.

SECTION 4.06. Bonds for public works contracts. Each bid on a contract for any public works or improvement shall be accomplished by a cash or surety company bid bond in the amount of five per cent (5%) of the amount bid. Before any contract is awarded, the contractor shall give bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred per cent (100%) of the contract price. The Council may waive these requirements for contracts under five thousand dollars (\$5,000).

SECTION 4.07. Property taxes. All property subject to taxation shall be subject to the property tax levied by the Town Board. The County Assessor of Property shall assess all property subject to taxation, except property assessed by the state of Tennessee.

SECTION 4.08. Tax levy. The Board is authorized to make a tax levy expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation not later than July 1 of each year, and such tax levy may be set by the Board at a regular meeting or at a meeting specially called for that purpose. In the event of the Board's failure to make a tax levy as herein provided, the prior year's tax rate shall continue in effect.

SECTION 4.09. Tax due dates. Property taxes shall be due on October 1 of each year. Property taxes shall become delinquent on March 1 of each year, at which time a penalty shall be added and thereafter such taxes shall be subject to interest at the rate prescribed by the general law for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the Town shall have the force and effect of a judgment of a court of record.

SECTION 4.10. Delinquent taxes. The Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Town Judge for the sale of goods and chattels to be executed by any police officer of the Town under the laws governing execution of such process from a general sessions court; by the County Trustee as provided by general law, by garnishment, by suits in Chancery, by any two

(2) or more of the foregoing methods, or by the use of any other available legal processes.

SECTION 4.11. County may collect taxes. The Town may contract with the county for the collection of Town taxes. The contract may provide for reasonable fees to be paid to the county for such service.

SECTION 4.12. Taxes not to be excused. All officers or employees of the Town are prohibited from excusing taxes, penalties, interest, special assessment, or other charges due the Town, but errors may be corrected when authorized by the Board.

SECTION 4.13. Disbursements by checks. All disbursements, except for any agency of the Town administered by a Board or Commission, shall be made by checks signed by the Town Treasurer and countersigned by the Mayor. The Board may by resolution designate other officers to sign such checks in the absence or disability of the Mayor or Town Treasurer.

SECTION 4.14. Official depository. The Board shall designate an official depository or depositories for deposit and the Board may deem safekeeping of funds of the Town, with such collateral security as necessary.

SECTION 4.15. Tax anticipation borrowing. The Board may borrow money in anticipation of taxes, for payment of current and necessary expenses.

ARTICLE V

INTERGOVERNMENTAL COOPERATION AND CONTRACTING

SECTION 5.01. Intergovernmental cooperation and contracts. In addition to other powers granted in this Charter, the Town Board shall have power to 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 which the Town is authorized to undertake by this Charter.

SECTION 5.02. Execution of such powers. The Town Board 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. The parties to such a contract or

cooperative action, or any of them, 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 shall have the power to hold or acquire such property jointly. The Town may provide for the financing of its share or portion of the cost or expenses of such contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

Such 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, officer, or officers. Such contract may include and specify terms and provisions relative to the termination of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such 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 any such 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 enjoy the same immunities and are subject to 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 pursuant to any 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 such contract or cooperative action.

ARTICLE VI

MISCELLANEOUS PROVISIONS

SECTION 6.01. Penalties. A violation of any provision of this charter, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor, and persons guilty of such violations shall be fined not more than fifty dollars (\$50.00). Each day the violation continues shall be considered a separate violation.

SECTION 6.02. Severability. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such 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.

SECTION 6.03. Applicability. The Charter approved in this act shall not become effective unless approved by a two-thirds (2/3) vote of the governing body of the Town of Huntland, said vote to be taken not less than sixty (60) nor more than one hundred twenty days (120) days after passage of this act. The Mayor shall, within ten (10) days thereafter, certify to the secretary of state the results of said vote.

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 Town of Huntland. Its approval or nonapproval shall be proclaimed by the presiding officer of the town of Huntland 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.