

HOUSE BILL 2646

By Womick

AN ACT to amend Chapter 77 of the Private Acts of 1977; and any other acts amendatory thereto, relative to the charter of the city of Eagleville.

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

SECTION 1. Chapter 77 of the Private Acts of 1977, and any acts amendatory thereto, the same being the Charter of the City of Eagleville, is amended by repealing the chapter, as amended, in its entirety and substituting instead the following:

Article I. Incorporation and Boundaries

Section 1-1. Declared body politic and corporate name. The inhabitants of the City of Eagleville, Rutherford County, Tennessee, are hereby constituted a body politic and corporate by the name of the City of Eagleville, and sometimes herein referred to as "City of Eagleville", the "city", and the "corporation".

Section 1-2. Corporate boundaries. The corporate boundaries of the City of Eagleville are as contained in prior charters and in annexation ordinances, resolutions, and related actions, which are recorded and kept in the recorder's office of the city; said boundaries are herewith reaffirmed. Extensions of the corporate boundaries shall be as provided by future annexation action in accordance with the Tennessee Code Annotated.

Section 1-3. Charter declared public act; use of charter, ordinances, etc., in evidence. This Charter is declared to be a public act, and as such may be read in evidence in all courts of law and equity; and all ordinances, resolutions and proceedings of the City Council of the City of Eagleville created by this charter, may be proven by the seal of said corporation, and certified and attested by the recorder of said city council.

Article II. Corporate Powers

Section 2-1. General enumeration. In addition to such other powers as may be granted to it elsewhere in this charter, the city shall have power by ordinance, resolution or in other appropriate manner, 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 municipal purposes;

(2) Adopt such classifications of the subjects and objects of taxation as may not be 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 provided in this section;

(6) Issue and give, sell, pledge, or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, 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 city 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 city or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms

and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in other manner provided by general law;

(10) Take and hold property within or without the city 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 that is of service to the city, its inhabitants, or any part of the city;

(12) Grant to any person, firm, association or corporation franchises for public utilities and public services to be furnished the city and those in the city. Such power to grant franchises shall embrace the power hereby expressly conferred to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The City Council may prescribe in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as the corporate limits thereafter may be enlarged, and to the then existing streets, alleys and other thoroughfares that may be opened after the grant of the franchise;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished the city and those in the city. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association or corporation, but also as against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The City Council 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 city 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 may be opened after the grant of the contract;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extensions of facilities for such services, but nothing in this subdivision (14) 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, squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under Tennessee Code Annotated §§ 7-31-107 - 7-31-111 and 29-16-203, or in such other manner as may be provided by general law;

(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 assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(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 City Council;

(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 license and regulate such collection and disposal, and the cost of such collection, regulation or disposal may be funded by taxation or special assessment to the property owner;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not forbidden 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, uses 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 city, and to exercise general police powers;

(23) Prescribe limits within which business 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) Inspect, test, measure and weigh any article for consumption or use within the city, and charge reasonable fees therefor, and to provide standards of

weights, tests and measures in such manner as may be provided pursuant to Tennessee Code Annotated, Title 47, Chapter 26, Part 9;

(25) Establish, regulate, license and inspect weights and measures in accordance with subdivision (24);

(26) 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 the use thereof and require any alteration or changes necessary to make them healthful, clean or safe;

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

(28) 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 city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with Tennessee Code Annotated, §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

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

(30) Establish schools, to the extent authorized pursuant to general law; determine the necessary boards, officers and teachers required therefor, and fix their compensation; purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; purchase or erect all necessary buildings; and do all other acts necessary to establish, maintain and operate a complete educational system within the city;

(31) Regulate, tax, license or suppress the keeping or going at large of animals within the city, impound the same, and, in default of redemption, to sell or kill the same;

(32) Create a design review committee, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission. Any property owner affected by the guidelines may appeal a decision by the design review committee to the municipality's planning commission;

(33) Call elections as provided in this charter; and

(34) 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 in this section.

Section 2-2. Enumeration of powers not exclusive. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in any part of this charter impair a power granted in any other part of this charter and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one (1) or more of such powers as to any one (1) or more of such objects for any one (1) or more of such purposes.

Article III. City Council

Section 3-1. Created. There is hereby created a governing body of the City of Eagleville to be known as the "city council" (sometimes referred to in this charter as the "council"); and the legislative and all other powers, except as otherwise provided by this charter, are hereby delegated to and vested in said city council, which may by ordinance or resolution not inconsistent with this charter prescribe the manner in which any of the powers, purposes and objects of the city shall be exercised or accomplished, provide all

means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

Section 3-2. Composition; mayor pro tempore.

(a) The city council shall consist of seven (7) members including a mayor and six (6) councilmen. At the first or any subsequent regular meeting after the election of councilmen, the council shall elect one (1) of the councilmen to serve as mayor pro tempore until the next city election, and to act in the place and stead of the mayor during any absence or disability of the mayor. In the event the office of mayor becomes vacant for any reason, the council shall elect a person to serve as mayor until the next city election, at which time a mayor shall be popularly elected to fill out the remainder of the unexpired term of the previously elected mayor, or alternatively for a new term. The mayor, or in his absence, the mayor pro tempore, shall preside at all meetings of the council, shall participate therein, and shall be entitled to vote on all questions considered by the council.

(b) The mayor, and in the mayor's absence the mayor pro tempore of the council, shall perform such other acts and functions as may be prescribed by this charter.

Section 3-3. Mayor head of city for ceremonial purposes; powers and duties generally. The mayor shall preside at all meetings of the council, shall have a seat, a voice, and a vote, but no veto power, and shall be recognized as the official head of the city for ceremonial purposes. The mayor shall sign the journal of the minutes of the meetings of the council and all ordinances and resolutions following passage, shall execute all deeds, bonds, contracts or other legal instruments made in the name of the city as authorized by the council, and shall perform all acts that may be required of the mayor by any ordinance or resolution duly passed by the council, not in conflict with the provisions of this charter.

Section 3-4. Eligibility to serve on city council.

(a) Any person eighteen (18) years of age or older and who is a resident of the city, or any eligible voter within an Eagleville voting precinct owning a taxable free hold within the corporation and being otherwise qualified, shall be eligible to the office of city council, provided such person shall have met the qualifications of an eligible voter for a minimum of one (1) year next preceding the date of the election.

(b) No person shall be eligible to the office of city council who has been convicted of offering a bribe, or of larceny, or of any other offense declared infamous by law, unless restored to citizenship in the mode pointed out by law; or against whom there is a judgment unpaid for any moneys received by them, in any official capacity, due to the United States, the state, or a political subdivision; who is a defaulter to the treasury at the time of the election; who is a soldier, sailor, marine or airman in the regular army, navy, or air force of the United States; or who is a member of congress or holds any office for profit or trust under any foreign power, other state of the union, or under the United States.

(c) No person who holds any kind of an office, executive, judicial or legislative, with Rutherford County, or who is an employee of the City of Eagleville, Tennessee, shall be eligible for the office of city council.

Article IV. Elections

Section 4-1. Qualification of voters. All persons who are entitled to vote for members of the General Assembly under the General Election Laws of the state of Tennessee and who reside within the corporation shall be entitled to vote at said election; provided, all eligible voters within an Eagleville voting precinct, owning a taxable free hold within the corporation and being otherwise qualified, shall also be entitled to vote at said election; provided, no more than two (2) persons per property may be eligible to vote on the basis of nonresident property rights voting; and provided that such property owner(s) must register as such with the County Election Commission.

Section 4-2. Election of councilmen; term.

(a) The three (3) council members elected in the general election on April 20, 2004, shall have their term of office extended until their successors are elected in the general election on the first Tuesday following the first Monday in November 2008. The three council members elected in the general election held on April 18, 2006, shall have their term of office extended until their successors are elected in the general election on the first Tuesday following the first Monday in November 2010.

(b) All city general elections thereafter shall be held in conjunction with the November general state elections on the first Tuesday following the first Monday in even-numbered years. All elections shall be conducted by the commissioners of elections of Rutherford County in accordance with the general election laws of the state and this charter.

(c) The number of candidates to be elected at any such election receiving the highest number of ballots cast at such election shall be deemed elected to the office of member of the council.

(d) The term of office for council members is four (4) years.

Section 4-3. Election of mayor, term.

(a) On the first Tuesday following the first Monday in November 2018, and on the first Tuesday following the first Monday in November every four (4) years thereafter at the regular election held for the election of council members, there shall be held an election for the purpose of electing the mayor. The person receiving the highest number of votes shall be declared elected mayor and receive certification of election accordingly.

(b) The term of office of mayor is four (4) years and until a successor is elected and qualified.

Section 4-4. Oath required; form. No successful candidate for the office of city council shall enter upon the duties of such office without qualifying to hold said office by taking and subscribing to the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the State of Tennessee and of the United States, and that I

will faithfully and impartially discharge the duties as a member of the city council of the City of Eagleville without fear or favor, and for the public welfare."

Section 4-5. When vacancy deemed to exist. That in addition to the cases in which a vacancy in the city council may occur under other provisions of this charter, a vacancy shall exist in said council whenever any member of the council or the mayor fails to qualify within ten (10) days after such person's election or within ten (10) days after any contest determining such person's election is finally decided; or dies, or resigns (the resignation to be accepted by the remaining members of the council), or moves his or her domicile or no longer owns real property within the city such that such person is no longer an eligible candidate or voter based upon either residency or property rights, or is convicted of a felony, or is judicially declared insane, or is removed or ousted from office under the provisions of this charter or in any manner provided by law.

Section 4-6. Filling of vacancies.

(a) A vacancy in the city council caused by the death, resignation, ouster, or removal of a member, or due to other cause, shall be filled by a majority vote of the remaining members of the city council; and any person so elected to the council to fill any such vacancy, upon qualifying by taking the oath, shall hold office as a member of the city council until the next regular election and until a successor is elected and qualified.

(b) In any subsequent election to fill out unexpired terms of the mayor or councilmen, the number of candidates for such unexpired terms of office to be elected receiving the highest number of ballots cast at such election shall be deemed elected. The election commissioners of Rutherford County, in preparing the ballots for such election, shall indicate who the candidate or candidates for such unexpired term or terms are, and the number of such candidates to be elected, by the use of the words "short term" or other appropriate words, and the words "vote for three", "vote for two", "vote for one", depending on the number of candidates to be elected.

Section 4-7. Compensation. Each member of the city council shall receive a salary as may be provided by the city council by ordinance.

Section 4-8. Removal from office. Any member of the city council may be removed from office for committing any act that is subject to ouster pursuant to Tennessee Code Annotated, Title 8, Chapter 47, Part 1. Any ouster proceeding initiated shall be conducted in accordance with the above-mentioned provisions.

Section 4-9. Influencing voters. Any candidate for election under this charter who shall, to any person, pay, give or offer to pay or give, or promise directly or indirectly, money, office, or anything of value, or who shall knowingly suffer any person to do so for the purpose of obtaining the vote or influence of any elector, or of obtaining such person's vote or influence against an opposing candidate, shall be disqualified as councilman in addition to the other penalties prescribed by law for such offenses.

Section 4-10. Regular and special meetings; quorum; minutes to be kept.

(a) The city shall hold regular meetings, as may be established by ordinance or resolution.

(b) A majority of the city council shall constitute a quorum for the transaction of the business of the council, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the council may provide.

(c) The mayor, city manager, or any two (2) members of the city council may call a special meeting of the city council. Written notice of said special meeting shall be provided to each member, the city manager, and city recorder, to be served personally or left at the person's usual place of business or residence.

(d) Written minutes of all meetings, regular or special, are to be kept and be entered upon a journal to be kept for the purpose.

Section 4-11. Rules of proceedings; power to arrest and subpoena witnesses.

(a) Subject to the provisions of this charter, the city council may determine the rules of its proceedings.

(b) The city council shall have power, and may delegate it to any committee selected from its members, to subpoena witnesses, and order the production of books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its process and to arrest and punish by fine, any person refusing to obey such subpoena or order or refusing to testify when subpoenaed.

(c) The mayor or mayor pro tempore of the council or chairman of any such committee may administer oaths to witnesses. It shall keep a journal of all proceedings under this section and the yeas and nays on all questions shall be kept thereon.

Article V. Ordinances and Resolutions

Section 5-1. Ordinance enacting style; number of readings, effective date.

(a) An ordinance shall begin "Be it ordained by the City of Eagleville, Tennessee".

(b) An ordinance shall be in writing when offered for adoption by the city council, and must pass two (2) readings on two (2) different days in open session of the council before its adoption. Not less than one (1) week shall elapse between the first reading and final reading.

(c) An ordinance may be read by title only provided a copy of said proposed ordinance shall have been made available to the city council, city manager, and city recorder at least three (3) days prior to the time and date of the meeting at which said ordinance shall be read for the first time.

(d) A simple majority vote among city council members present is required to pass an ordinance; provided, however, that four (4) affirmative votes are required to pass an ordinance on final reading.

(e) An ordinance shall take effect fifteen (15) days after the final passage thereof, except in the case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage; provided, it

shall contain the statement that an emergency exists and shall specify the distinct facts and reasons constituting such an emergency.

Section 5-2. Resolution enacting style, number of readings, effective date.

(a) A resolution shall begin "Be it resolved by the City of Eagleville, Tennessee".

(b) A resolution shall be in writing when offered for adoption by city council, and shall not be subject to the requirement, applicable to ordinances, that they be passed on two (2) readings.

(c) A resolution may be read by title only, provided a copy of the proposed resolution shall have been made available to the city council, city manager, and city recorder at least three (3) days prior to the time and date of the meeting at which said resolution shall be considered.

(d) Unless and except as otherwise required by the provisions of this charter, or by the terms of particular resolutions, resolutions of the city council shall take effect immediately from and after the adoption thereof.

Section 5-3. Vote of council. The vote of each member of the city council shall be taken and entered upon the minutes; and, except as otherwise provided in this charter, a majority vote of the members present shall decide the action of the council.

Section 5-4. Records to be kept. Every ordinance and resolution passed or adopted by the city council shall be taken charge of by the city recorder, and either be copied into or be shown or spread upon the minutes of the city council and indexed, or be copied into or filed in a book kept for the purpose, indexed, and preserved.

Article VI. Officers and Employees

Section 6-1. Compensation, appointment, and oath.

(a) Except as otherwise provided in this charter, the compensation of all officers and employees of the city shall be fixed by the city manager within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the city council.

(b) All officers and employees, except as otherwise provided in this charter, shall be appointed by the city manager, shall serve for an indefinite time, and may be removed by the city manager at any time.

(c) Every officer and employee holding a position upon an annual salary shall, before entering upon such person's duties, take and subscribe and file with the recorder, an oath or affirmation that such person has all the qualifications named in this charter for the office or employment such person is about to assume and that such person will support the constitutions of the United States and of this state and the charter and ordinances of the city and will faithfully discharge the duties of the office or employment.

Section 6-2. Bond required.

(a) The city manager and every officer and employee having duties embracing the receipt, disbursement, custody or handling of money shall, before entering upon these duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee (except that bonds for five hundred dollars (\$500) or less may be given with personal surety), in such amount and in such form as may be prescribed by the city council by ordinance or resolution. All such bonds and the sureties thereto shall be subject to the approval of the city council.

(b) The costs of making said bonds shall be paid by the city.

Section 6-3. Legal process against city. All legal process against the city shall be served upon the city attorney or in the event of the city attorney's absence, death, or being unavailable for any reason, then upon the city manager or mayor, and such process shall thereafter be handled by the city attorney.

Section 6-4. Prohibited political activities; penalties.

(a) Neither the city manager, recorder, city judge, chief of police nor any person in the employ of the city under any of such officers shall take any active part in or contribute any money toward the nomination or election of any

candidate for election to the city council, except to answer such questions as may be put to them and as they may desire to answer.

(b) No person in the employ of the city, taking an active part in, or contributing money toward, the nomination or election of any candidate for election to any office shall solicit support, whether monetary or otherwise, from any other city employee, whether on duty or not at the time of the solicitation.

(c) A violation of this section shall subject the offenders to removal from office or employment, and to punishment by fine of not more than fifty dollars (\$50.00) for each offense.

Article VII. City Manager

Section 7-1. City manager as administrative head of city; acting and interim city manager, time devoted.

(a) There shall be a city manager for the city who shall be appointed by the city council and whose salary shall be determined by the council. The city manager shall serve for an indefinite period and at the will of the council. In addition to all other powers and duties conferred upon the city manager by this charter, the manager shall be the administrative head of the municipal government and shall be chosen and appointed by the city council without regard to political beliefs and solely upon the basis of executive and administrative qualifications. The manager need not be a resident of the city at the time of appointment.

(b) The city manager is authorized to designate an acting city manager when temporarily absent or away from the city. When such absence is of a longer period due to illness or other reason, the city council shall name an interim city manager to serve during the temporary absence or illness of the city manager until the city manager's return or replacement. The city council shall also name an interim city manager to serve during the period of time when the city has no city manager.

(c) The city manager shall not be required to give his or her entire time to the affairs of the city, unless the city council, when employing the city manager, makes the city manager's employment conditional upon devoting his or her entire time to the interests of the city.

Section 7-2. Powers and duties generally. In addition to any other powers and duties conferred and imposed upon the city manager by other provisions of this charter, the powers and duties of the city manager shall be:

(1) To see that all laws, resolutions and ordinances are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted in the city court;

(2) Except as otherwise provided in this charter, to appoint, discipline, and remove all heads of departments, and all subordinate officers, agents and employees, all appointments to be made upon merit and fitness alone, and provided that the appointment of city recorder and all department head appointments shall require a vote of confirmation by the city council;

(3) Except as may be otherwise provided by this charter, to supervise and control the work of the city recorder, the chief of police, the fire chief, the city treasurer, the city attorney and the city tax collector, and of all employees of the city and of all departments or divisions of the city government created by this charter, or which may be created by the city council under or by virtue of the provisions of this charter or any other applicable public or private act of the General Assembly of the State of Tennessee;

(4) To see that all terms and conditions imposed in favor of the city or its inhabitants, in any public utility or franchise, are faithfully done, kept and performed and, upon knowledge or information of any violation thereof, to call the same to the attention of the city council so that such steps as may be necessary to protect the same shall be taken;

(5) To attend all meetings of the city council, with the right to take part in the discussion, but having no vote. The city manager shall be entitled to notice of all special meetings;

(6) To recommend to the council, for adoption, such measures as the city manager may deem necessary or expedient;

(7) To make and execute all contracts on behalf of the city, except as may be otherwise provided in this charter or by ordinance or resolution of the city council;

(8) To prepare and submit to the city council an annual operating and capital budget;

(9) To keep the council at all times fully advised as to the financial condition and needs of the city;

(10) To act as purchasing agent and to make purchases in accordance with the purchasing policy approved by the council, which shall include provisions establishing public advertising and competitive bid limits, and shall be established by ordinance. The purchasing policy shall also prescribe the maximum expenditure that the city manager may make without formal approval of the city council;

(11) To supervise and control the collection of all taxes, assessments, privileges and polls due the city; and

(12) To perform such other duties, and to have such other powers, prescribed by this charter or required of the city manager by resolution or ordinance of the city council, not inconsistent with this charter, or the constitution of the state.

Section 7-3. Council not to interfere.

(a) Neither the mayor, city council nor any of its members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent such person from

exercising his or her own judgment in the appointment of officers and employees in the administrative service of the city.

(b) Except for the purpose of inquiry, the mayor, the council and its members shall deal with the administrative service of the city solely through the city manager, and neither the mayor, the city council, nor a councilman shall give orders to any of the subordinates of the city manager, either publicly or privately.

Article VIII. City Recorder

Section 8-1. Appointment, duties.

(a) The city manager shall appoint a city recorder, provided that the appointment shall require a vote of confirmation by the city council. Said appointee may also be appointed by the city manager to the position of finance director or treasurer, or both.

(b) In the event of the temporary absence or disability of the recorder, the city manager may appoint a recorder pro tempore.

Section 8-2. Duties.

(a) It is the duty of the recorder to be present at all meetings of the city council, and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent form.

(b) The recorder shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the city council, 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 city manager, 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.

Section 8-3. Records and documents. The recorder shall provide and, when required by any officer or person, certify copies of records, papers, and documents in the recorder's office, and charge therefor, for the use of the city, such fees as may be

provided, cause copies of ordinances to be printed, as may be directed by the city council, and keep them in the recorder's office for distribution.

Article IX. City Attorney

Section 9-1. Appointment; qualification. A city attorney shall be appointed by and serve at the will of the city council. The city attorney shall be an attorney at law licensed to practice law in the courts of this state and an attorney in good standing with the Disciplinary Board of the Supreme Court of the State of Tennessee. The compensation of the city attorney shall be as fixed by the city council and shall be paid on a basis to be determined by the city council.

Section 9-2. Duties. The city attorney shall direct the management of all litigation in which the city is a party; represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested; attend all meetings of the city council; advise the council and committees or members thereof, the city manager, the city recorder, and the heads of all departments or divisions, as to all legal questions affecting the city's interest; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city.

Article X. City Court

Section 10-1. Creation. There is hereby created and established a city court.

Section 10-2. Appointment. A city judge, who shall serve at the pleasure of the city council, shall be appointed by the city council to serve until the next appointment of said judge.

Section 10-3. Judge not required to be full-time officer. The city judge shall not be required to hold this office to the exclusion of all other activities but said judge may hold this office in addition to their other businesses or professions.

Section 10-4. Eligibility.

(a) Any person who is a resident of Rutherford County or a county that borders Rutherford County and has attained the age of thirty (30) years, who shall be an attorney licensed to practice law and an attorney in good standing

with the Disciplinary Board of the Supreme Court of the State of Tennessee, shall be eligible for the office of city judge.

(b) A failure to continue to reside in said territory shall operate to vacate said office and the city judge's successor shall be appointed by the city council for the balance of the unexpired term.

Section 10-5. Compensation. The compensation of the city judge shall be as fixed by the city council and shall be paid on a basis to be determined by the city council.

Section 10-6. Acting judges; vacancy. In the event the office of city judge shall become vacant for any cause, including resignation, removal, death or continuous disability that prevents the city judge from discharging the duties of the office, the city council shall appoint some qualified person to fill the unexpired term of office. The qualified person appointed shall be vested with the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court. Where the city judge finds it necessary to be absent from holding court, the city judge may designate in writing, to be filed with the clerk of the court, the name of a special judge to hold court in the city judge's place and stead; such person shall be a person who has the qualifications of city judge and the special judge shall take the same oath and have the same authority as the regular city judge to hold court for the occasion.

Article XI. Departments Generally

Section 11-1. Powers, authority and duties distributed among departments.

(a) Except as herein otherwise provided, the executive and administrative powers, authority, and duties in the city shall be distributed into and among such departments, offices, and agencies as the city manager shall determine.

(b) The city manager shall determine the powers and duties to be performed by, and assign them to, the appropriate departments; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one (1) or more of the departments; may require an officer or an employee to perform duties in two (2) or more departments; and may make

such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

(c) The city manager shall supervise and control all departments now or hereafter created, except as otherwise provided by this charter.

Article XII. Police Department

Section 12-1. Appointment. The city manager shall appoint a chief of police and such patrol officers and other members of the police force; provided, that the appointment of chief of police shall require a vote of confirmation by the city council.

Section 12-2. Powers generally. It is the duty of the chief of police and the members of the police force to:

(1) Preserve order in the city;

(2) Protect the inhabitants and property owners therein from violence, crime and all criminal acts;

(3) Prevent the commission of crime and violations of law and of the city ordinances; and

(4) Perform a general police duty, execute and return all processes, notices, orders, and all other processes, notices and orders as provided in this charter or by ordinance.

Section 12-3. Procurement of warrants. Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens insofar as practical of the burden of instituting cases involving the violation of city ordinances but this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case.

Article XIII. Fire Department

Section 13-1. Appointment. The city manager shall appoint a chief of the fire department and such other members of the department; provided, that the appointment of fire chief shall require a vote of confirmation by the city council.

Section 13-2. Powers generally. It is the duty of the chief of the fire department and the members thereof to take all proper steps for fire prevention, education and suppression.

Section 13-3. Response to emergency, direct route.

(a) When any fire department or company recognized as duly constituted by the commissioner of commerce and insurance pursuant to Tennessee Code Annotated, § 68-102-304, is requested to respond to a fire, hazardous materials incident, natural disaster, service call or other emergency, it may, regardless of where the emergency exists, proceed to the emergency site by the most direct route at the maximum speed consistent with safety. While responding to, operating at, or returning from such emergency, the chief of the responding fire department or company, or any member serving in capacity of fire officer-in-charge, shall also have the authority to:

- (1) Control and direct the activities at the scene of the emergency;
- (2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;
- (3) Blockade any public highway, street or private right-of-way temporarily while at such scene;
- (4) Trespass at any time of the day or night without liability while at such scene;
- (5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;
- (6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;

(7) Inspect for preplanning all buildings, structures, or other places in the chief's fire district, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish or other combustible material that is or may become dangerous as a fire menace to such buildings, structures or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;

(8) Direct without liability the removal or destruction of any fence, house, motor vehicle, or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

(10) Order disengagement or discouplement of any convoy, caravan or train of vehicles, craft or railway cars, if deemed necessary in the interest of safety of persons or property.

(b) When any fire department or company responds to any emergency outside its fire district, however, it shall at all times be subject to the control of the fire chief or designated representative in whose district the emergency occurs.

Section 13-4. Fire marshal. The city manager may appoint a fire marshal whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

Article XIV. Fiscal Affairs

Section 14-1. Finance director; duties. The city manager or an officer appointed by the city manager shall serve as finance director and shall:

(1) Exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition of such property, assets and claims;

(2) Be the general accountant and auditor of the city;

(3) Have custody of all records, papers and vouchers relating to the fiscal affairs of the city, and the records in the city manager's office shall show the financial operations and conditions, property, assets, claims and liabilities of the city, all expenditures authorized, and all contracts in which the city is interested;

(4) Require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to the city manager by the several departments and officers of the city, including all deputies or employees of the city manager's department charged with the collection or expenditures of money, and shall control and audit the same;

(5) At least monthly, adjust the settlements of officers engaged in the collection of the revenue; and

(6) Perform other work as directed by the city manager.

Section 14-2. Taxes and special assessments. The assessment, levy and collection of taxes and special assessments shall be in the charge of the department of finance, under the general supervision of the city manager, subject to the limitations found elsewhere in this charter.

Section 14-3. Taxation of property and privileges. All property, real, personal and mixed, subject to state, county and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected for municipal purposes as provided in this charter.

Section 14-4. Tax books to be made out by the finance director. The city tax books shall be compiled by the finance director from the information furnished by the Rutherford County Tax Assessor by the first day of September or as soon thereafter as practicable, of each and every year for which assessment is made.

Section 14-5. Property tax due date; delinquent date. Unless otherwise established by ordinance, the due date of property taxes shall be October 1 of each and

every year and the delinquent date shall be March 1 next succeeding of each and every year. A penalty of one-half of one percent (0.5%) and interest of one percent (1%) shall be added to the amount of the tax due on the delinquent date and on the first day of each succeeding month.

Section 14-6. Tax liens; assessments valid despite errors; correction.

(a) All municipal taxes on real estate in the city, and all penalties, interests, and costs thereon, are hereby declared to be a lien on said real estate from and after the 5th day January of the year for which same are assessed, and for the purposes of enforcing collection of said taxes and liens securing the same, the city council may by proper action direct the city attorney or the tax attorney for Rutherford County, to institute actions to enforce collection of delinquent taxes due the city, in which event the finance director shall certify a list of all real estate upon which municipal taxes remain due and unpaid to the city attorney or the said county tax attorney, who in turn shall file proper bills to enforce the liens of taxes due the city.

(b) No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named nor the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, or on account of any objection or informality merely technical, but all such assessments shall be good and valid.

(c) The city council shall have power to correct any errors in the tax assessments upon a certificate filed by the assessor of property or assessing body.

Section 14-7. Improvements or services; assessment procedure. The city council has the power, and is hereby given authority, to file complaints in the chancery court in the name of the city for the collection of assessments and levies made for payment for improvements or service in the city, such as paving, sidewalks, curbing, guttering, sewers and other improvements, or services for which assessments may be

made under the charter, or by any other acts of the general assembly, and the cost of which is made a charge on property owners abutting the improvements and a lien on abutting property. The suits commenced by such complaints shall be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice provided for the same. The complaints shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all persons in the same improvement district, or liable for portions of the same assessment and levy for improving a portion of the city as provided in this section, and on whose property the assessment or levy is a lien, shall be made parties defendant to one (1) complaint.

Section 14-8. License taxes; imposition and collection.

(a) License taxes may be imposed upon any and all privileges, businesses, occupations, vocations, pursuits or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee, and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm or corporation.

(b) The city manager, or designee, shall enforce the collection of merchants' taxes and all other license taxes, and for that purpose have and exercise the powers of law vested in, and follow the procedure and methods prescribed for, county clerks.

Section 14-9. System of accounting. The finance director, with the approval of the city manager, shall cause an efficient system of accounting for the city to be installed and maintained.

Section 14-10. Depositories of city funds; authority of council to require security. A depository or depositories of municipal funds shall be designated by ordinance or resolution. The city council shall require any financial institution that becomes a depository of municipal funds to secure such funds by collateral in the same manner and under the same conditions as state deposits under Tennessee Code Annotated, Title 9,

Chapter 4, Parts 1 and 4, or as provided in a collateral pool created under Tennessee Code Annotated, Title 9, Chapter 4, Part 5.

Section 14-11. City funds; receipts and disbursements; forms. The finance director shall cause all forms used in connection with either the receipt or disbursement of city funds to be numbered consecutively, and shall account for all spoiled or unused forms.

Section 14-12. Treasurer; appointment and duties.

(a) The city manager shall appoint a treasurer.

(b) It is the duty of the treasurer to collect, receive and receipt for the taxes and all other revenue and bonds of the city, and the proceeds of its bond issues, and to disburse the same.

(c) The city manager may appoint the finance director, recorder or other officer or employee to serve as treasurer.

Section 14-13. Fiscal year. The fiscal year of the city shall begin on July 1 of each year.

Section 14-14. Estimate of expenditures and revenue; submission date.

(a) The city manager shall, on or before May 15 of each year, or as soon as possible thereafter, submit to the city council an estimate of the expenditures and revenue of the city for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager.

(b) Upon receipt of the estimate by the city manager, the city council shall adopt an appropriation ordinance for each fiscal year before the first day of the fiscal year.

(c) Amendments may be made to the original appropriations ordinance at any time during a current fiscal year; provided, however, that, except for emergency expenditures under Tennessee Code Annotated, § 6-22-129, increased appropriations may be made only after the city manager has certified in writing that sufficient unappropriated revenue will be available.

Section 14-15. Reversions to source fund. At the end of each fiscal year, all unencumbered balances or appropriations shall revert to the fund appropriated, and be subject to further appropriations. Such balances shall be considered unencumbered only when the city manager shall certify in writing that the purposes for which they were appropriated have been completely accomplished and that no further expenditure in connection with them is necessary.

Section 14-16. Finance director; powers and duties; claims against city.

(a) Except as by this charter or by law or ordinance otherwise provided, the finance director shall prescribe and regulate the manner of paying creditors, officers and employees of the city. The finance director shall audit all payrolls, accounts and claims against the city and certify thereon the balance as stated by the finance director, but no payroll, account or claim, or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the city manager and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury.

(b) Whenever any claim is presented to the finance director, the finance director shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose may summon before such finance director any officer, agent or employee of any department, or any other person, and examine the officer, agent or employee upon oath or affirmation relative thereto.

Section 14-17. Warrants.

(a) Warrants shall be issued by the finance director.

(b) Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund.

(c) Any officer or employee in the finance director's office may be designated by such finance director to draw warrants with the same effect as if signed by the finance director, such designation to be in writing, in duplicate, filed

with the city manager. The city manager may make such designation if the finance director is absent or disabled and there is no one in the finance director's office designated to act. Any such designation may be revoked by the finance director while acting as such by filing the revocation in duplicate with the city manager and the treasury division.

Section 14-18. City obligations; availability of funds; certification. No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city council or be authorized by any officer of the city, unless the finance director shall first certify to the council or the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury or safely assured to be forthcoming and available in time to comply with, or meet such contract, agreement, obligation or expenditures, and no contract, agreement or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds.

Section 14-19. Expenditures; emergencies. No contract liability shall be incurred without previous authority of law or ordinance, but the city council may, by ordinance, empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in the ordinance; provided, that any such liability shall mature not later than one (1) year from the date of its incurrence.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Eagleville. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.