

SENATE BILL 1538

By Haile

AN ACT to amend Chapter 67 of the Private Acts of 1953; as amended by Chapter 28 of the Private Acts of 1965; Chapter 192 of the Private Acts of 1967; Chapter 29 of the Private Acts of 1973; Chapter 70 of the Private Acts of 1975; Chapter 67 of the Private Acts of 1975; Chapter 42 of the Private Acts of 1979; Chapter 97 of the Private Acts of 1981; Chapter 233 of the Private Acts of 1982; Chapter 63 of the Private Acts of 1987; Chapter 195 of the Private Acts of 1990; Chapter 196 of the Private Acts of 1990; Chapter 194 of the Private Acts of 1990; Chapter 109 of the Private Acts of 1995; Chapter 84 of the Private Acts of 1995; Chapter 83 of the Private Acts of 1995; Chapter 173 of the Private Acts of 1996; Chapter 48 of the Private Acts of 1999; Chapter 40 of the Private Acts of 2001; Chapter 153 of the Private Acts of 2002; Chapter 4 of the Private Acts of 2009; Chapter 19 of the Private Acts of 2009; Chapter 53 of the Private Acts of 2016; Chapter 28 of the Private Acts of 2017 and Chapter 51 of the Private Acts of 2018; and any other acts amendatory thereto, relative to the charter of the City of Gallatin.

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

SECTION 1. Chapter 67 of the Private Acts of 1953, as amended by Chapter 28 of the Private Acts of 1965, Chapter 70 of the Private Acts of 1975; Chapter 42 of the Private Acts of 1979, Chapter 97 of the Private Acts of 1981, Chapter 233 of the Private Acts of 1982, Chapter 63 of the Private Acts of 1987, Chapter 195 of the Private Acts of 1990, Chapter 196 of the Private Acts of 1990, Chapter 194 of the Private Acts of 1990, Chapter 109 of the Private Acts of 1995, Chapter 83 of the Private Acts of 1995, Chapter 173 of the Private Acts of 1996, Chapter 48 of the Private Acts of 1999, Chapter 40 of the Private Acts of 2001, Chapter 153 of the Private Acts of 2002, Chapter 4 of the Private Acts of 2009, Chapter 19 of the Private Acts of 2009, Chapter 53 of the Private Acts of 2016, Chapter 28 of the Private Acts of 2017, and Chapter 51 of the Private Acts of 2018, and any other acts amendatory thereto, is amended in Article III, Section 1 by deleting the language:

Neither the Mayor nor members of the City Council shall hold any other elective or appointed public office, except that of Notary Public, or be otherwise employed by the City of Gallatin. If the Mayor or any member of the City Council shall accept employment with the City of Gallatin or any other elective or appointed public office, his or her seat on the City Council shall become vacant and must be filled as set forth in this Charter.

and substituting instead:

Neither the Mayor nor members of the City Council shall hold any other elective public office, except that of Notary Public, or be otherwise employed by the City of Gallatin. If the Mayor or any member of the City Council shall accept employment with the City of Gallatin or any other elective public office, his or her seat on the City Council shall become vacant and must be filled as set forth in this Charter.

SECTION 2. Chapter 67 of the Private Acts of 1953, as amended by Chapter 97 of the Private Acts of 1981, Chapter 109 of the Private Acts of 1995, and Chapter 53 of the Private Acts of 2016, and any other acts amendatory thereto, is amended in Article VI, Section 2 by deleting the language:

The city council shall appoint the following public officers: City Attorney, City Engineer, City Planner, Director of Codes, Director of Human Resources, Director of Information Technology, Director of Leisure Services, Fire Chief, Police Chief, Superintendent of Public Utilities, and Superintendent of Public Works.

and substituting instead:

The City Council shall appoint the following public officers: Chief Information Officer, City Attorney, City Engineer, City Judge, City Planner, City Recorder, Director of Codes, Director of Human Resources, Director of Parks and

Recreation, Finance Director, Fire Chief, Police Chief, Superintendent of Public Utilities, and Superintendent of Public Works.

SECTION 3. Chapter 67 of the Private Acts of 1953, as amended by Chapter 29 of the Private Acts of 1973, Chapter 97 of the Private Acts of 1981, Chapter 84 of the Private Acts of 1995, Chapter 4 of the Private Acts of 2009, and Chapter 53 of the Private Acts of 2016, and any other acts amendatory thereto, is amended in Article VII, Section 1 by deleting the section and substituting instead:

Section 1. - City Recorder.

Be it further enacted, that the City Recorder shall be appointed by City Council and have the powers and duties as set forth in this Charter and any further enactment of the governing body.

SECTION 4. Chapter 67 of the Private Acts of 1953, as amended by Chapter 70 of the Private Acts of 1975, Chapter 97 of the Private Acts of 1981, Chapter 192 of the Private Acts of 1967, Chapter 84 of the Private Acts 1995, and Chapter 4 of the Private Acts of 2009, and any other acts amendatory thereto, is amended in Article X, Sections 1, 2, 5, and 6 by deleting the sections and substituting instead:

SECTION 1. – City Judge – Appointment; Qualifications; Jurisdiction.

Be it further enacted, that there shall be a City Court presided over by a City Judge appointed by the City Council. The City Judge shall be a licensed attorney, have the qualifications, term of office, if any, and receive the compensation the City Council may provide by ordinance.

The City Judge shall have jurisdiction in and over all cases for the violation of and offenses against and in all cases arising under the laws and ordinances of the City of Gallatin, and such other jurisdiction as is conferred by the general laws of the State. The City Judge shall have the authority to administer oaths and affirmation, to take depositions, and to impose fines and collect such fees as set forth and permitted by the laws of the State.

In the event of the continuous absence of, or disability of, the City Judge for more than one (1) week (7 days), the Mayor shall appoint a licensed attorney, practicing in Sumner County, to hold the City Court during such absence or period of disability. Said Judge Pro Tem shall be empowered with all the authority and jurisdiction granted the City Judge under the Charter of said City and shall be reasonably compensated for his services rendered in said office.

SECTION 2. – City Judge's authority to fine and preserve order.

The City Judge shall have power and authority to impose fines, costs, and forfeitures, and to punish by fine all violations of the city ordinance[s] and Municipal Code; to enforce order in City Court, and to enforce the collection of all such fines, costs, and forfeitures imposed by the City Court.

SECTION 5. - No fees for arresting officers; City Judge to certify all fines, etc.

Be it further enacted, that the City Judge shall allow no fees to any arresting officer and that he shall certify to the Chief of Police for collection of all fines, costs, and forfeitures, imposed by him for offenses against the laws and ordinances of the City. Provided no fines, costs, or forfeitures shall be collected by any officer until certified as due the City by the City Judge.

SECTION 6. - City Court docket to be kept.

Be it further enacted, that the City Judge shall keep or cause to be kept the City Court docket or dockets embodying complete detailed records of all cases tried and determined in his Court.

SECTION 5. 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 Gallatin. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 6. 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 5.