

SENATE BILL 1715

By Jackson

AN ACT to amend Chapter 557 of the Private Acts of 1911; as amended by Chapter 95 of the Private Acts of 1913; Chapter 513 of the Private Acts of 1917; Chapter 340 of the Private Acts of 1927; Chapter 341 of the Private Acts of 1927; Chapter 516 of the Private Acts of 1941; Chapter 517 of the Private Acts of 1941; Chapter 297 of the Private Acts of 1941; Chapter 473 of the Private Acts of 1945; Chapter 479 of the Private Acts of 1945; Chapter 21 of the Private Acts of 1953; Chapter 248 of the Private Acts of 1955; Chapter 204 of the Private Acts of 1957; Chapter 309 of the Private Acts of 1959; Chapter 274 of the Private Acts of 1961; Chapter 103 of the Private Acts of 1967; Chapter 399 of the Private Acts of 1968; Chapter 59 of the Private Acts of 1973; Chapter 61 of the Private Acts of 1973; Chapter 125 of the Private Acts of 1986; Chapter 28 of the Private Acts of 1993; Chapter 162 of the Private Acts of 1996 and Chapter 36 of the Private Acts of 2005; and any other acts amendatory thereto, relative to

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

SECTION 1. Chapter 557 of the Private Acts of 1911, as amended by, Chapter 95 of the Private Acts of 1913; Chapter 513 of the Private Acts of 1917; Chapter 340 of the Private Acts of 1927; Chapter 341 of the Private Acts of 1927; Chapter 516 of the Private Acts of 1941; Chapter 517 of the Private Acts of 1941; Chapter 297 of the Private Acts of 1941; Chapter 473 of the Private Acts of 1945; Chapter 479 of the Private Acts of 1945; Chapter 21 of the Private Acts of 1953; Chapter 248 of the Private Acts of 1955; Chapter 204 of the Private Acts of 1957; Chapter 309 of the Private Acts of 1959; Chapter 274 of the Private Acts of 1961; Chapter 103 of the Private Acts of 1967; Chapter 399 of the Private Acts of 1968; Chapter 59 of the Private Acts of 1973; Chapter 61 of the Private Acts of 1973; Chapter 125 of the Private Acts of 1986; Chapter 28 of the Private Acts of 1993; Chapter 162 of the Private Acts of 1996 and Chapter 36 of the Private Acts of 2005; and any other acts amendatory thereto, which is the charter of the

Town of Alamo, is amended by deleting the chapter, as amended, in its entirety and substituting instead the following language to be the charter of the Town of Alamo:

## ARTICLE 1

### CORPORATE EXISTENCE AND POWERS

Section 1.01. Continuation of corporate existence and general powers. The Town of Alamo, Tennessee is continued as a municipal corporation with this act as its charter. Ordinances and other actions taken under previous charters that are continuing or have a permanent or penal effect are continued until changed. The Town has perpetual succession and may sue and be sued and plead and be impleaded in all courts of the state. The Town may have a corporate seal.

Section 1.02. Definitions. As used in this Charter, the following words and terms shall have the following meanings:

(1) "Alderman" shall mean a person elected or appointed to the office of Alderman as provided in this Charter.

(2) "Board" and "Board of Mayor and Aldermen" shall mean the legislative body of the Town of Alamo, which shall be composed of the Mayor and four (4) Aldermen elected or appointed as provided in this Charter.

(3) "Elector" shall mean all persons living within the corporate limits of the Town of Alamo and who have been residents thereof for no less than thirty (30) days prior to the election and who are entitled to vote for members of the Tennessee General Assembly; and all persons residing outside the corporate limits of the Town who have owned not less than a one-half ( $\frac{1}{2}$ ) interest in a taxable freehold, or husband and wife who have owned a taxable freehold within the corporate town limits for a period of no less than ninety (90) days prior to the election, and who are entitled to vote for members of the Tennessee General Assembly; said taxable freehold being further defined as a lot, parcel, or tract of sufficient size to erect a structure upon in accordance with the zoning ordinance of the Town. Residence in an annexed area counts in meeting this residency requirement.

(4) "Incumbent board of mayor and aldermen" for the purpose of deciding a tied vote for the office of Alderman, shall mean those persons holding their offices on the date of the municipal election in which the tie vote occurred.

(5) "Non-partisan" shall mean without any designation as members or candidates of any state or national political party or organization.

(6) "Town" shall mean the Town of Alamo, Tennessee.

(7) The masculine shall include the feminine and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Section 1.03. Town limits. The boundaries of the Town shall be those fixed in Sections 2 and 2A of Chapter 557 of the Private Acts of 1911, and all acts amendatory thereto, as well as all annexations effectuated pursuant to general law.

Section 1.04. Specific corporate powers. The Town may:

(1) Assess, levy and collect property taxes.

(2) Assess, levy and collect taxes on privileges when this is not prohibited by the state constitution or general law.

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

(4) Make special assessments for any local improvements.

(5) Contract and be contracted with.

(6) Issue debt as authorized by general law.

(7) Appropriate and expend money for lawful purposes.

(8) Acquire, hold, maintain, improve, sell, lease, mortgage, pledge, and otherwise dispose of real or personal property, including any estate or interest, within or outside the Town or state.

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or outside the Town limits, for present or future public use; such condemnation shall be effected in accordance with applicable State and Federal law.

(10) To take and hold property located in or outside the Town.

(11) Acquire, construct, own, operate, maintain, sell, lease, mortgage, pledge, or otherwise dispose of any public utility or any estate or interest in any public utility that is or will be of service to all or part of the Town.

(12) Grant franchises for the provision of public utilities and public services. A franchise may be granted for a term up to twenty-five (25) years, but no longer. The power to grant franchises embraces the right to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive against all other entities, including the Town. The Board of Mayor and Aldermen may prescribe, unless prevented by State or Federal law, the rates, fares, charges, and regulations that may be made by the franchisee. Franchises may by their terms apply to territory within the Town on the date the franchise is executed and to territory later annexed or added, and to existing and later opened streets, alleys, and public ways.

(13) Make contracts with any person, firm, association, or corporation for the provision of public utilities and public services to be furnished to the municipality and those therein. These contracts may have a term up to twenty-five (25) years, but not longer. The power to make these contracts embraces the power to make exclusive contracts. When an exclusive contract is made, it shall be exclusive against all other entities, including the Town. The Board of Mayor and Aldermen may prescribe, unless prevented by law, the rates, fares, charges, and regulations that may be made by the contractor. These contracts may by their terms apply to territory within the Town on the date the contract is executed and to territory later annexed or added, and to existing and later opened streets, alleys, and public ways.

(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 any exclusive contract entered into under subdivisions (12) and (13).

(15) Establish, open, relocate, vacate, abandon, abolish, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, city hall, public facilities, public utilities, libraries, schools, fire stations, public squares, jails, bridges, cemeteries, hospitals, viaducts, sewers and drains, within and outside the corporate limits of the Town, regulate their use within the corporate limits, assess fees for the use or impact upon such property and facilities, and take and appropriate property therefore under the provisions of State and Federal law.

(16) Construct, improve, reconstruct and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, roads, highways, avenues, boulevards, bridges, alleys or other public places within the corporate limits, and assess a portion of the costs of such improvements on the property abutting on or adjacent to such streets, highways, or alleys as provided in State law.

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

(18) To acquire, purchase, provide for, construct, regulate and maintain and do all things necessary to protect the public relating to all market places, public buildings, bridges, sewers and other structures, works, and improvements.

(19) Collect and dispose of drainage, sewage, offal, ashes, garbage, refuse, or other waste, or license and regulate their collection and disposal; to establish uniform mandatory municipal solid waste collection service and to charge fees therefor; or to license and regulate such collection and disposal by others.

(20) License and regulate persons, firms, corporations, companies, associations, businesses, trades, professions, and occupations not prohibited by law and impose license fees and taxes on them.

(21) To prescribe regulations to govern the operation of motor-driven vehicles or other vehicles and pedestrians upon all streets, highways, roads, alleys and thoroughfares located within the corporate limits of the Town; and to otherwise control and regulate vehicles and traffic for the protection of the public safety and convenience; to erect and maintain on the public right-of-way within such city such traffic-control signals, signs, painted markings, lanes and other traffic control devices or procedures as may be required for the protection of life, limb and property within the Town and to do all other acts and things that are exercised pursuant to and authorized by a duly adopted ordinance of the Town.

(22) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business occupations, callings, trades, use of property, nuisances, and all other things whatsoever detrimental or liable to become detrimental to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the Town, and to exercise general police powers. The Town may make regulations to secure the general health of the inhabitants of the Town and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so far out of repair as to be unsafe, unsanitary, or unsightly. In accordance with applicable state law, the Town shall have the authority to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made.

(23) Regulate and license taxis and other vehicles operated for hire within the Town, to limit the number of such vehicles, to license operators thereof, to require liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(24) Create, finance, staff, equip, operate and expend funds for a municipal police department and a municipal fire department for the protection of the inhabitants of the Town.

(25) Create, finance, staff and operate a municipal court; and to provide that violation of any municipal ordinance shall be punishable by a fine not to exceed fifty dollars (\$50.00) and court costs.

(26) Enact and enforce zoning regulations.

(27) Regulate the location, bulk, occupancy, area, lot, height, construction, and materials of all buildings and structures, and 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.

(28) Provide and maintain charitable, educational, recreational, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(29) Enforce any ordinance by fine, forfeiture, and penalty, and by other action in any court of competent jurisdiction; and to provide by ordinance for the assessment of court costs.

(30) Establish schools.

(31) Regulate, tax, license, and suppress the keeping of large, vicious, or dangerous animals, and to prohibit them from running at large, provide an animal shelter, impound animals, and in default of redemption, sell, give away, or dispose of them.

(32) Call elections as provided in this charter and State law.

(33) Provide health and hospitalization insurance to officers and employees.

(34) Exercise any power this charter could enumerate as fully and completely as if those powers were specifically enumerated. In carrying out the powers granted in this charter, the Board shall use an ordinance for any matter of a permanent or penal nature but may use a resolution for any administrative, temporary, or other matter.

## ARTICLE 2

## BOARD OF MAYOR AND ALDERMEN

Section 2.01. Elections of the Mayor and Aldermen. The Board of Mayor and Aldermen of the Town shall consist of a Mayor and four (4) Aldermen, each of whom shall serve for a term of four (4) years, or until their successors are elected and qualified. The present composition and terms of the Board, consisting of the Mayor and four Aldermen elected in May 2017, are continued for the duration of their terms.

On the first Saturday in May beginning in 2021 and every four (4) years thereafter, the Crockett County Election Commission shall conduct non-partisan, at-large municipal elections to fill the offices of mayor and all four (4) aldermen. The mayoral candidate having the most votes shall be elected Mayor; the four aldermanic candidates receiving the largest number of votes shall be elected Aldermen.

Each elector shall be entitled to vote for one (1) candidate for the office of mayor. Each elector shall be entitled to vote for the number of aldermen to be elected.

If there is a tie vote for the position of mayor, a run-off election shall be held to determine the winner. If there is a tie vote for the position of alderman, the incumbent Board of Mayor and Aldermen shall determine which of the candidates shall serve.

Section 2.02. Oath of Office. Before the Mayor and Aldermen take office in the Town government, they shall subscribe to the following oath or affirmation, administered by the Town Recorder or the municipal judge:

I (state your name) do solemnly swear (or affirm) that I will support the Constitution of Tennessee and the laws thereof; and that I will, in all respects, observe the provisions of the Town Charter, ordinances, and resolutions of the Town of Alamo; and that I will perform with fidelity the duties of the office of \_\_\_\_\_ to which I have been elected (or duly appointed) and which I am now about to assume.

Section 2.03. Residence requirements.

(a) A person must have resided in the corporate town limits for at least one (1) year immediately preceding the date of the election to qualify to run for Mayor or Alderman. Residence in an annexed area counts in meeting this residency requirement.



(b) The Mayor or any alderman moving outside the Town during the term of office, automatically vacates the office, which shall be filled as provided in this charter.

Section 2.04. Restrictions on candidates and their supporters.

(a) Any person convicted of giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, shall be ineligible to hold an elected office or position of employment in the Town government for a period of five (5) years.

(b) Any person convicted of a felony shall be prohibited from holding any elected office with the Town of Alamo unless the person's citizenship rights have been restored by a court of competent jurisdiction.

Section 2.05. Terms of office. The four-year terms of the office of mayor and aldermen shall begin the last Tuesday of the month of May following the election on the first Saturday of May and they shall serve until their successors have been elected and qualified.

Section 2.06. Duties of the Mayor. The Mayor:

(1) Shall preside at meetings of the Board. The Mayor shall not have a vote on any matter coming before the Board except in the case of a tie vote, whereupon the Mayor shall cast a vote to break the deadlock.

(2) Shall be recognized as the ceremonial head of the Town.

(3) Shall be the officer to accept process against the Town.

(4) Shall sign all ordinances and resolutions approved by the Board and shall sign contracts as authorized by the Board.

(5) Shall communicate any information and recommend measures to the Board the Mayor deems expedient.

(6) May call special meetings of the Board, provided that notice of such meeting is personally served on the aldermen at least seventy-two (72) hours in advance, except in emergencies in which case the notice shall be proportionate to the emergency. The Mayor shall state the matter or matters to be considered at the special meeting, and the action of the Board is limited to the stated matter or matters.

(7) Shall countersign checks and drafts and sign all contracts to which the Town is a party.

(8) Shall recommend to the Board the hiring, promotion, and discharge of the Town Recorder, and any department head, and shall have authority to discipline or suspend same, subject to the Town of Alamo Employee Handbook and/or the Town of Alamo Police Department manual, as the case may be. The Mayor shall hire, promote, discipline, suspend, and discharge all other employees, subject to the Town of Alamo Employee Handbook and/or Town of Alamo Police Department Manual, as the case may be, except employees of the school board. Any employee discharged by the Mayor shall have seven (7) days to give written notice to the Town Recorder of an appeal for reinstatement, which appeal shall be heard by the Board at the next regular meeting of the Board following receipt of said notice. Nothing about the appeal process shall be interpreted as giving any employee a property right to their job.

(9) Shall make appointments to boards and commissions, as authorized by state statute or ordinance, and citizen committees as he sees fit.

(10) Shall prepare and submit the annual budget and capital program to the Board and may designate one or more department heads to assist in this duty.

(11) Shall act as purchasing agent for the Town and may delegate this duty to a department head.

(12) Shall perform other duties that are required by the Board which are not inconsistent with the provisions of this Charter.

(13) Shall fill by appointment the offices of Town Attorney and City Judge unless rejected by a three-quarter (3/4) vote of the Aldermen within thirty (30) days of the appointment.

(14) Shall appoint a Vice Mayor subject to Section 2.08.

Section 2.07. Duties of the Aldermen and Town Legislation. The Board constitutes the legislative branch of Town government. Any action of the Board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under this Charter or the general laws of the State of Tennessee, shall be accomplished only 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 and a copy shall be furnished to each member of the Board in advance of the meeting at which it is introduced. The enacting clause of an ordinance shall be as follows: "Be it ordained by the Board of Mayor and Aldermen of the Town of Alamo." No ordinance shall be adopted unless approved by an affirmative vote of at least three (3) members of the Board of Mayor and Aldermen on two (2) separate days not less than seven (7) days apart. Resolutions may be approved by an affirmative vote of a majority of the Board membership, less any vacancies. Ordinances and resolutions shall become effective upon final passage unless otherwise stipulated in the ordinance or resolution.

The Board shall cause the general and continuing ordinances of the Town to be 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 inspection by the public.

The original copy of an ordinance, resolution, contract, and other documents shall be filed and preserved by the Town Recorder.

Section 2.08. Vice Mayor. At the first regular Board meeting next following approval of this Charter, thereafter at the first regular Board meeting following the quadrennial municipal election, the Mayor shall appoint an alderman to serve as Vice Mayor. The Vice Mayor's term of office shall end upon the expiration of his aldermanic term of office. The Aldermen may reject the appointment of Vice Mayor by a three-quarter (3/4) vote within thirty (30) days of the appointment, at which time the Mayor may appoint any other alderman to serve in this capacity. The Vice Mayor shall preside at regular or called meetings of the Board in the absence of the Mayor; and shall sign checks in the Mayor's absence. The Vice Mayor may call special meetings of the Board if an emergency arises in the absence of the Mayor, provided that a good faith effort is made to serve notice of such meeting on the Mayor. If there is a vacancy in the office of mayor, the Vice Mayor shall serve as Mayor for the unexpired term of office.

Section 2.09. Vacancies.

(a) A vacancy shall exist if the Mayor or an alderman resigns, dies, moves his residence from the Town, or is removed from office pursuant to an ouster suit. The Vice Mayor shall fill a vacancy in the office of mayor as prescribed in Section 2.08 of this

Charter. The Board shall fill a vacancy in the office of alderman for the unexpired term by an affirmative vote of a majority of the remaining aldermen. If the aldermanic vacancy is not so filled within forty-five (45) days, the mayor shall appoint a qualified person to fill the vacancy.

(b) Elections by the Board to fill aldermanic vacancies shall be by voice vote on the calling of the roll. If a tie vote occurs, the presiding officer shall vote a second time to break the tie.

(c) At no time shall there be more than two (2) appointed aldermen serving on the Board. If a vacancy occurs more than six (6) months prior to a regular municipal election and while two (2) appointed aldermen are on the Board, a special election shall be held to elect an alderman to serve the unexpired term of the vacant office.

Section 2.10. Compensation. The compensation of the Mayor, Vice Mayor and Aldermen shall be established by an ordinance adopted by no later than six (6) months prior to the date of the quadrennial election. Any alterations of the salaries of the Mayor or Aldermen shall not take effect while the individual serves in the present term of office.

Section 2.11. Meetings of the Board. The Board shall meet regularly at least once every month at a place, time, and hour established by ordinance. A quorum of three (3) Board members is required to convene the meeting and conduct business. The Board may meet in special session on written notice of the Mayor. Only the business specifically stated in the written call may be transacted in a special meeting.

The Board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members.

Section 2.12. Restrictions on Board members. The Aldermen shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the Town. No alderman shall interfere, or attempt to interfere, with the performance of official duties of any Town employee. No member of the Board shall become a bondsman for any officer or agent of the corporation, nor be directly or indirectly interested in any contract with the corporation.

Section 2.13. Designation of an official newspaper. The Board shall designate a newspaper or newspapers of general circulation in the Town as the official Town newspaper for publication of official notices of the Town.

### ARTICLE 3

#### OFFICERS AND DEPARTMENT HEADS

Section 3.01. Organization of the Town government. The Town government shall be organized into such departments as the Board of Mayor and Aldermen may provide for by ordinance. The Board may create and abolish whatever positions of employment that the Board deems necessary to staff such departments. By ordinance, the Board may 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 functions and duties of offices, positions of employment, departments and agencies of the Town, subject to the following limitations:

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

(2) The office of mayor shall not be repealed, nor shall his powers, as provided in this Charter, be reduced; and

(3) Except as provided in this Charter, the Municipal Judge shall not hold any other Town office or position of employment with the Town, nor shall his office be repealed or its powers diminished.

Section 3.02. Administrative duties. The Mayor shall be the Town's chief executive officer and shall, in addition to those duties specified in Section 2.06 of this Charter, take care that all ordinances, resolutions, and other policies of the Town are faithfully executed.

Section 3.03. Town recorder.

(a) The Board shall appoint a town recorder, who also may be appointed to the positions of director of finance or treasurer, or both. The recorder's salary shall be set by the Board and shall serve for an indefinite term at the pleasure of the Board.

(b) The recorder or the recorder's designee must 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 permanently.

(c) The recorder or the recorder's designee shall have custody of the city seal, public records, original rolls of ordinances, ordinance books, minutes of the Board, contracts, bonds, title deeds, certificates, official papers, all official indemnity or security bonds, oaths and affirmations and all other official records and papers and documents and preserve them in the recorder's office or in another storage place designated by the Board. The recorder or the recorder's designee shall register these documents by numbers, dates, and contents and keep an accurate and modern index of these materials. These public records and materials are the property of the Town.

(d) The recorder shall provide, copy, and, when required by any officer or person, certify copies of records, papers, and documents in the recorder's custody.

#### Section 3.04. Municipal court and judge.

(a) A municipal court is created to be presided over by a municipal judge. The Mayor shall appoint the municipal judge subject to Section 2.06(13), whose term shall end upon the expiration of the terms of the Mayor and Aldermen. The Municipal Judge must be an attorney licensed to practice law in Tennessee. The salary of the Municipal Judge shall be set by the Board.

(b) The Municipal Judge may impose fines for ordinance violations, may preserve and enforce order in the court, and enforce the collection of all fines and costs imposed.

(c) The judge may forgive, with or without condition, fines and costs imposed for an ordinance violation. The judge or the court clerk shall make a monthly report to the board of all fines, costs, and litigation taxes collected, and transmit these revenues to the municipal treasury.

Section 3.05. Town Attorney. The Mayor may appoint a Town Attorney, who must be licensed to practice law in the state. The Town Attorney shall be responsible for representing and defending the Town in litigation in which the Town is a party; prosecuting cases in the

municipal court, advising the Board, Mayor, and other officers and employees of the Town concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board or the Mayor. The salary of the Town Attorney shall be set by the Board and he shall serve for an indefinite term of office at the pleasure of the Mayor.

Section 3.06. Treasurer. The Board shall appoint a treasurer and may appoint the recorder as treasurer. The treasurer shall collect, receive, and issue receipts for taxes and all other revenue and monies coming into the Town's possession, and disburse them.

Section 3.07. Director of finance. The board shall appoint a director of finance and may appoint the recorder as director of finance. The director of finance shall:

- (1) Exercise general supervision over the fiscal affairs of the Town.
- (2) Exercise general accounting supervision over all assets, property, and claims.
- (3) Act as general accountant and auditor of the Town.
- (4) Cause an efficient system of accounting to be installed and maintained.
- (5) Require proper fiscal accounts, records, settlements, and reports to be made, kept, and rendered by the departments of the Town.
- (6) Provide monthly financial reports to the Board.
- (7) Prescribe and regulate the manner of paying creditors, officers, and employees of the Town.
- (8) Perform other duties assigned by the Board.

Section 3.08. Officers and Employees. Only the offices and positions of employment approved by the Board shall be filled.

Section 3.09. Personnel actions. The appointment and promotion of employees of the Town shall be on the basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications; except that no person convicted of a felony shall be employed by the Town in a public safety position. The Board shall have the authority to adopt rules and

regulations governing employment by the Town, not inconsistent with the provisions of this Charter.

Section 3.10. Official bonds. Every officer, agent and employee of the Town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers 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, in such amount as shall be determined 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. Employee political activity. No employee of the Town shall continue in the employment of the Town after becoming a candidate for any Alamo municipal elected office, or treasurer of any political committee associated therewith; except that this provision shall not apply to the incumbent Mayor, Aldermen, and members of the school board. 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.

Section 3.12. Nepotism. No person who is related to the Mayor or an Alderman, shall otherwise be hired to fill a vacancy in the Town. This section does not apply to employees of the town school system, school board members, or to any person who is a professional who is licensed by the State. For purpose of this Section, "related" means a child, sibling, parent, spouse, adopted child, daughter- or son-in-law, brother- or sister-in-law, father- or mother-in-law, step-father or step-mother, or another person who shares residency with the Mayor or an Alderman.

#### ARTICLE 4

#### FISCAL ADMINISTRATION



Section 4.01. Fiscal Year. The fiscal year of the Town shall begin on the first day of July and shall end at the close of business on the thirtieth day of June of the succeeding calendar year.

Section 4.02. Annual budget. Prior to the beginning of each fiscal year, the Mayor shall present the Board with an annual operating budget compliant with applicable State statutes; and the Board shall adopt such annual budget with any amendments it deems appropriate. For each municipal fund, the budget shall include the following information:

(1) Estimates of proposed expenditures for each department, board, office or other agency of the municipality, showing in addition, the expenditures for corresponding items for the last preceding fiscal year, projected expenditures for the current fiscal year and reasons for recommended departures from the current appropriation pattern in such detail as may be prescribed by the Board. Notwithstanding any other provision of law, the Town shall not expend any moneys regardless of their source except in accordance with a budget ordinance adopted under this section or through a proprietary type fund or fiduciary type fund.

(2) Estimates of anticipated revenues of the municipality from all sources including current and delinquent taxes, nontax revenues, and proceeds from the sale of bonds on long-term notes with a comparative statement of the amounts received by the Town from each such source for the last preceding fiscal year, the current fiscal year, and the coming fiscal year in such detail as may be prescribed by the Board.

(3) Statements of bonded indebtedness and other indebtedness of the Town, including the debt redemption and interest requirements, the debt authorized and unissued, and the condition of any sinking funds.

(4) A statement of the estimated balance or deficit as of the end of the current fiscal year.

(5) A statement of pending capital projects and proposed new capital projects relating to respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefore by the issuance of bonds during the fiscal year.

(6) Such other supporting schedules as the Board deems necessary or as otherwise required by law.

Section 4.03. Purchasing. Except as otherwise provided in the Tennessee Municipal Purchasing Act of 1983, no expenditure in excess of ten thousand dollars (\$10,000) shall be made until authorized by the Board and such an expenditure shall be subject to public advertisement and competitive bidding. The Board may adopt a comprehensive purchasing ordinance not inconsistent with the provisions of this Charter.

Section 4.04. Sale of Town property. The Board of Mayor and Aldermen may declare Town property which is obsolete, surplus, or unusable to be surplus to the Town's needs; and direct that personal property shall be sold, after public advertisement, at public auction or by sealed bid.

Section 4.05. Annual audit. The Board shall employ or retain an independent, certified public accountant to conduct an audit of all financial records of the Town each year.

Section 4.06. Property taxes. All property subject to taxation shall be subject to the property tax levied by the Town.

Section 4.07. Tax levy. The Board shall make a tax levy expressed at a fixed rate per one hundred dollars (\$100) of assessed valuation.

Section 4.08. Tax due dates and tax bills. The due date of property taxes shall be October 1. The Town shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax penalty or interest thereon. Property taxes shall become delinquent March 1, at which time such taxes shall be subject to penalty and interest as prescribed by State law for delinquent county property taxes. On and after the date when such taxes become delinquent, the tax records of the Town shall have the force and effect of a judgement of a court of record.

Section 4.09. County may assess properties and collect taxes. The Town may contract with Crockett County for the assessment of Town properties and the collection of Town taxes. The contract may provide for reasonable fees to be paid to the county for this service.

Section 4.10. Taxes not to be excused. No officer or employee of the Town shall have the authority to excuse taxes, penalties, interest, special assessments or other charges due the Town; but errors may be corrected when authorized by the Board.

Section 4.11. Disbursements by check. All disbursements shall be made by checks signed by the Town Recorder and countersigned by the Mayor. The Board may by resolution designate other officers to sign checks, but all checks must be signed by two (2) officers.

Section 4.12. Official depository. The Board shall designate an official depository or depositories for deposit and safekeeping of Town funds, with such collateral security as may be deemed necessary by the Board.

Section 4.13. Accounting. The financial records of the Town shall be established and maintained in general conformity with the accounts and procedures required by the State Comptroller's Office and the Board of Mayor and Aldermen.

## ARTICLE 5

### MISCELLANEOUS PROVISIONS

Section 5.01. Other general laws may be used by the Town. Notwithstanding any provision of this Charter, the Board of Mayor and Aldermen may elect to operate or adopt any general law or public act available to Tennessee municipalities, in lieu of, or in addition to, the provisions of this Charter.

Section 5.02. Severability. If any article, section, subsection, paragraph, sentence or part of this Charter shall be held 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 held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, subsection, paragraph, sentence or part be enacted separately and independently of each other.

SECTION 2. This act has no effect unless it is approved by a two-thirds (2/3) vote of the authorized membership of the Board of Mayor and Aldermen of the Town of Alamo. Its approval or non-approval shall be proclaimed by the Mayor and certified to the Secretary of State.

SECTION 3. For purposes of approving or not approving of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it takes effect upon being approved as provided in Section 2.