

SENATE BILL 2610

By Southerland

AN ACT to amend Chapter 563 of the Acts of 1903; as amended by Chapter 64 of the Acts of 1907; Chapter 247 of the Private Acts of 1911; Chapter 647 of the Private Acts of 1911; Chapter 158 of the Private Acts of 1915; Chapter 3 of the Private Acts of 1917; Chapter 23 of the Private Acts of 1919; Chapter 787 of the Private Acts of 1925; Chapter 787 of the Private Acts of 1925; Chapter 764 of the Private Acts of 1927; Chapter 232 of the Private Acts of 1941; Chapter 234 of the Private Acts of 1941; Chapter 154 of the Private Acts of 1947; Chapter 248 of the Private Acts of 1953; Chapter 179 of the Private Acts of 1953; Chapter 119 of the Private Acts of 1961; Chapter 235 of the Private Acts of 1984; Chapter 181 of the Private Acts of 1996; Chapter 182 of the Private Acts of 1996; Chapter 8 of the Private Acts of 2001; Chapter 100 of the Private Acts of 2004 and Chapter 37 of the Private Acts of 2012; and any other acts amendatory thereto, relative to the city of Greeneville.

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

SECTION 1. Chapter 563 of the Private Acts of 1903, as amended by Chapter 64 of the Private Acts of 1907, Chapter 647 of the Private Acts of 1911, and any other acts amendatory thereto, is amended by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. The governing Board of said Town of Greeneville as enlarged shall consist of a Mayor, to be elected by the whole town, and four (4) Aldermen who shall be elected as the Aldermen of said town in the manner as hereinafter set forth. No Alderman while in office shall qualify for election to the office of Mayor. No person shall be Mayor or Alderman unless he is a citizen of the State of Tennessee and county of Greene, and a bona fide resident within said town of Greeneville. Further, each Alderman shall be resident of the ward from which he is elected and shall have resided within said ward for one (1) year before his election, and any Alderman removing from the ward from which he is elected after his election shall there by vacate his office.

The terms of office for Mayor and Aldermen shall be two (2) years with terms beginning on September 1st and ending on August 31st . Provided, however, the present Mayor and Aldermen of said town shall continue in office as Mayor and Aldermen respectively of said town until their respective terms of office shall expire, at which time their successors shall be elected. Provided further, however, the Mayor and Alderman elected in June 2014 shall be elected for terms ending June 30, 2016. Thereafter the Mayor and Alderman shall serve for two year terms with elections held concurrently with the general elections in August. Provided further, the terms of office with respect to the Mayor and the two Aldermen elected in the Town's June 2014 election for the terms then expiring shall have their terms extended until August 31, 2016; provided however that said Mayor and Aldermen shall each have the right to decline the extension of his/her extended term, and if declined, the office of such declining member shall be deemed vacant on June 30, 2016.

The Board of Mayor and Aldermen shall elect a Vice-Mayor to fill the duties of Mayor should the Mayor be absent, incapacitated, or the Office of Mayor be vacated. The Office of Vice-Mayor shall be elected at the first regularly scheduled Board of Mayor and Alderman meeting in September and the Vice-Mayor shall hold that office for a term coinciding with the Vice-Mayor's then remaining term as Alderman.

All vacancies in the office of the Mayor, Vice-Mayor, or Alderman shall be filled by the vote of the majority of the remaining members of the Board of Mayor and Aldermen, cast by ballot. An election filling a vacancy shall be only for the unexpired term of the affected member.

Said Town of Greeneville shall consist of only two (2) wards to be marked and divided by Church Street in said Town, the territory lying North of Church Street to constitute the First Ward, and the territory lying South of Church Street to constitute the Second Ward of said Town. Prior to January 2016, the Board of Mayor and Aldermen shall review the geographic borders of the two (2) wards within the Town to ensure an approximate equal population within each ward. The Board shall thereafter review the

ward districts within the calendar year after each decennial U.S. Census Bureau census results are released. The Board of Mayor and Aldermen by ordinance shall be authorized from time to time to change ward boundaries to maintain an approximate equal population within the two (2) ward districts.

SECTION 2. Chapter 563 of the Private Acts of 1903, as amended by Chapter 647 of the Private Acts of 1911, Chapter 158 of the Private Acts of 1915, Chapter 787 of the Private Acts of 1925, Chapter 764 of the Private Acts of 1927, Chapter 154 of the Private Acts of 1947, Chapter 248 of the Private Acts of 1953, Chapter 119 of the Private Acts of 1961, Chapter 181 of the Private Acts of 1996, as renumbered by Chapter 37 of the Private Acts of 2012 and any other acts amendatory thereto, is further amended in Section 6 by deleting subdivision 17 in its entirety and by substituting instead the following:

17. To establish, support, and regulate the police of the same.

SECTION 3. Chapter 563 of the Private Acts of 1903, as amended by Chapter 647 of the Private Acts of 1911, Chapter 158 of the Private Acts of 1915, Chapter 787 of the Private Acts of 1925, Chapter 764 of the Private Acts of 1927, Chapter 154 of the Private Acts of 1947, Chapter 248 of the Private Acts of 1953, Chapter 119 of the Private Acts of 1961, Chapter 181 of the Private Acts of 1996, as renumbered by Chapter 37 of the Private Acts of 2012 and any other acts amendatory thereto, is further amended in Section 6 by deleting subdivision 25 and by substituting instead the following:

25. To prevent and punish by pecuniary penalties, all breaches of the peace, noise, disturbance, all disorderly assemblages in any street, house, or place in the municipality, by day or night, or to enforce the payment of fines and costs through contempt proceedings in accordance with the general law.

SECTION 4. Chapter 563 of the Private Acts of 1903, Chapter 232 of the Private Acts of 1941, Chapter 179 of the Private Acts of 1953, as renumbered by Chapter 37 of the Private Acts of 2012, and any other acts amendatory thereto, is further amended by deleting Section 9 in its entirety and by substituting instead the following:

The compensation of all officers and employees, including the compensation of the Mayor and the Aldermen, shall be fixed by ordinances approved by a majority of the Board of Mayor and Aldermen.

SECTION 5. Chapter 563 of the Private Acts of 1903, as renumbered by Chapter 37 of the Private Acts of 2012, and any other acts amendatory thereto, is further amended by deleting from Section 10 the words "at every" and by substituting instead the words "once a month at a".

SECTION 6. Chapter 563 of the Private Acts of 1903, Chapter 647 of the Private Acts of 1911, Chapter 3 of the Private Acts of 1917, Chapter 23 of the Private Acts of 1919, as renumbered by Chapter 37 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting from Section 11 the language "are expressly forbidden from making any appropriations of money or credit in the way of donations for festivities, pageants, excursions, or parades; nor shall said municipality" and by substituting instead the language "shall not".

SECTION 7. Chapter 563 of the Private Acts of 1903, as amended by Chapter 154 of the Private Acts of 1947, as renumbered by Chapter 37 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting Section 21 in its entirety and by substituting instead the following:

All necessary civil and criminal jurisdiction for the enforcement of the laws and ordinances passed by the Board of Mayor and Aldermen of said Municipality shall be and the same are hereby conferred upon the City Judge of said Town, who shall have the power to hear and determine all cases that may arise under such laws and ordinances in accordance with Tennessee Code Annotated, Title 16, Chapter 18, Part 3. In the absence of the City Judge, another qualified city judge may sit by interchange, who shall be entitled to compensation for such based upon a per diem amount established by the City Administrator.

SECTION 8. Chapter 563 of the Private Acts of 1903, as amended by Chapter 154 of the Private Acts of 1947, as renumbered by Chapter 37 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting Section 22 in its entirety and by substituting instead the following:

An appeal shall lie from the decision of the City Judge upon any cause heard and determined by the City Judge to the Circuit Court for Greene County; provided that the defendant shall file the same within thirty (30) days and give an appeal bond in the sum of two hundred fifty dollars (\$250.00) together with the then usual amount to cover court costs for cases filed with the Circuit Court with solvent sureties, and shall upon appeal be entitled to a trial de novo. And, if upon trial, the judgment of the City Judge is affirmed, the Circuit Judge shall give judgment against the defendant and his sureties for the fines and costs. No writ of certiorari and supersedeas shall be granted to remove any cause pending before the City Judge, except upon and for refusal to certify and send up the record upon appeal as aforesaid, when demanded.

SECTION 9. Chapter 563 of the Private Acts of 1903, as renumbered by Chapter 37 of the Private Acts of 2012, and any other acts amendatory thereto, is further amended by deleting Section 23 in its entirety.

SECTION 10. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting from the third sentence of the first paragraph of Section 1 the text "the Recorder and members of his staff" and by substituting instead the following language:

the remaining grandfathered members of the Recorder's office and the Police Department

SECTION 11. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Be it further enacted, Those Subject to Civil Service: The provisions of this Act shall apply to all sworn officers working on a paid full-time basis in the Fire Department and Police Department, excluding, however, the chief and assistant chief of each department. This Act shall also apply to the employees of the Recorder's Office and the civilian employees of the Police Department who are working on a paid full-time

basis and have satisfactorily completed their introductory period on the effective date of this act and who are certified by the Civil Service Board to be so qualified (hereinafter "grandfathered members"); excluded from classification as grandfathered members are the Recorder and the assistant Recorder. Provided, however, that initial employment shall be subject to successful completion by the employee of an introductory period as required of all employees of the Town of Greeneville; and provided further that such employee's employment shall be considered at will for the first twelve (12) months of employment during which the City Administrator may discharge said employee which discharge shall not be subject to review by the Civil Service Board. The City Administrator may extend said period of at will employment for an additional period of six (6) months upon written notification to the employee and the Civil Service Board prior to the expiration of the initial twelve-month period.

SECTION 12. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting Section 3 in its entirety and by substituting instead the following:

Section 3. Appointments, Promotions, Discharges, Etc., How Made: All future appointments to and promotions in said departments, except as otherwise provided in this Act, shall be determined by the following method:

The Chief of Police, the Fire Chief, and the Recorder together with the City Administrator shall meet with the Civil Service Board from time to time to prepare and update the job descriptions for each of the classified service positions in their respective departments to outline the necessary mental ability, physical condition, experience, education, personality, and specialized training. Such job descriptions when set shall remain in effect until altered by the Civil Service Board. A roster shall also be kept of all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

Excepting only positions vacated by grandfathered members, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

After the enunciation of said standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the vacancy shall be filled using the criteria outlined in Section 10. No person shall be reinstated in, or transferred, suspended, or discharged from any place, position, or employment in the classified service contrary to the provisions of this act.

SECTION 13. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting the language "at least once a month, and such additional meetings" and ", not to exceed two (2) days in one (1) month" in Section 4 so that the sentence now reads:

"The Board shall organize by forthwith electing one of its members as Chairman and shall hold regular meetings as may be required for the proper discharge of its duties."

SECTION 14. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting the last two (2) sentences of paragraph (a) in Section 4 and by deleting Section 5 in its entirety.

SECTION 15. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by adding the language "classified service" between the word "a" and the word "member" in the second sentence in Section 8.

SECTION 16. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by

deleting the words "governing body" wherever they appear in the first paragraph of Section 10 and substituting instead the words "City Administrator."

SECTION 17. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting the language in Section 10 "the number of positions to be filled in the classified service plus one name" and by substituting instead the language "three (3) names per open entry-level position to be filled" so that said paragraph shall now read: "Entry-level Positions: Whenever an entry-level position in the classified service becomes vacant, the department head through the City Administrator of the Town of Greeneville, shall make a requisition upon the civil service board. The list certified by the Civil Service Board to the City Administrator shall be made of the top applicants and shall always include three (3) names per open entry-level position to be filled. The head of the respective department, with the approval of the City Administrator, shall appoint from the civil service board certified list the number of individuals requisitioned."

SECTION 18. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting the words "governing body" in each instance in the fourth paragraph of Section 10 and substituting instead the words "City Administrator".

SECTION 19. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting the last six (6) paragraphs from Section 10 in their entireties.

SECTION 20. Chapter 179 of the Private Acts of 1953, Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, Chapter 8 of the Private Acts of 2001, Chapter 100 of the Private Acts of 2004, and any other acts amendatory thereto, is further amended by deleting the word "board" wherever it appears and by substituting instead the words "City Administrator" and by substituting the words "Civil Service Board" for the words "governing body" in Section 11.

SECTION 21. Chapter 247 of the Private Acts of 1911, Chapter 234 of the Private Acts of 1941, and any amendatory acts thereto, is amended by deleting the language in Section 3 in its entirety and by substituting instead the following:

Be it further enacted, That for the purpose of carrying out the provision of this Act there shall be elected by a majority of the popular vote of said town, in the August election, three (3) Commissioners, no more than two (2) of whom shall be of any one political party, to be known as the "Water and Light Commission," who shall be clothed with full power and authority to contract or build said public improvements, and to superintend the expenditure of said funds, and to operate said plant or plants when completed. Before entering upon their duties, said Commissioners shall give bond in such sum as the Board of Mayor and Aldermen may require. All contracts let by said Commission shall give bond in such sum as the Board of Mayor and Aldermen may require. All contracts let by said Commission shall be in writing, and all contractors shall be required to give bond in sufficient amount conditioned upon the faithful performance of their contract. Said Commission shall be authorized to employ such engineers and expert service as they may deem necessary. The proceeds of said bonds when sold shall be turned over to said Commissioners, and they shall be required at the call of the Board of Mayor and Aldermen to make in writing a statement of all expenditures made by them, producing vouchers therefor. When said water and electric light systems shall have been completed and are in operation, said Water and Light Commissioners shall make quarterly reports to the Board of Mayor and Aldermen of said town, showing all receipts and disbursements for the preceding quarter. The compensation to be paid to said Commissioners for their services shall be fixed by the Board of Mayor and Aldermen, the aggregate compensation of the three (3) Commissioners in no event to exceed the sum of three hundred dollars (\$300.00) per annum. Said Commissioners shall not be permitted to have any interest in any contract under which any of said improvements shall be made.

The term of office of the said Commissioners shall be for a term of six (6) years and shall begin September 1 immediately following the election and end August 31.

Said Water and Light Commissioners are to hold office until their successors shall be elected and qualified. However, the Water and Light Commissioner with a term expiring in June of 2015 shall have the commissioner's current term extended until the election to be held in August of 2015. The Water and Light Commissioner with a term expiring in June of 2017 shall have the commissioner's current term extended until the election to be held in August of 2017. The Water and Light Commissioner with a current term expiring in 2019 shall have the commissioner's current term extended until the election to be held in August of 2019.

SECTION 22. Chapter 563 of the Private Acts of 1903, as amended, is further amended by adding the following language as a new section at the end of the charter:

Elections for the Greeneville Board of Education shall be held concurrent with the election in August for a four-year term. Each school board member's term of office shall begin September 1 immediately following the election and end August 31. The school board member elected at large whose term of office expires in June of 2014 shall have the member's term of office extended until the election to be held in August of 2014. The terms of office of the school board members representing Ward One whose terms expire in June of 2015 shall be extended until August 31, 2015. The terms of office of the school board members representing Ward Two whose terms expire in June of 2016 shall be extended until August 31, 2016.

SECTION 23. Nothing in this act shall be construed as reducing the term of the offices of the members of the Water and Light Commission of the Town of Greeneville or the members of the Greeneville Board of Education. Such persons shall continue to serve in those capacities and retain all powers and responsibilities of the offices until the expiration of their current terms, as extended, or until such persons vacate office, whichever occurs first.

SECTION 24. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Greeneville. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 25. 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 24.