

SENATE BILL 2623

By Burks

AN ACT to amend Chapter 615 of the Private Acts of 1911; as amended and rewritten by Chapter 69 of the Private Acts of 1977; Chapter 170 of the Private Acts of 1994; Chapter 200 of the Private Acts of 1994; Chapter 169 of the Private Acts of 1994; Chapter 3 of the Private Acts of 1995; Chapter 88 of the Private Acts of 2004 and Chapter 20 of the Private Acts of 2007; and any other acts amendatory thereto, relative to providing a new charter for the City of Algood.

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

SECTION 1. Chapter 615 of the Private Acts of 1911; as amended and rewritten by Chapter 69 of the Private Acts of 1977; Chapter 170 of the Private Acts of 1994; Chapter 200 of the Private Acts of 1994; Chapter 169 of the Private Acts of 1994; Chapter 3 of the Private Acts of 1995; Chapter 88 of the Private Acts of 2004 and Chapter 20 of the Private Acts of 2007; and any other acts amendatory thereto, are amended by deleting the language of the existing charter and by substituting instead the following new language:

ARTICLE I

Boundaries, Form of Government,

Corporate Powers

Section 1.01. City of Algood. Be it further enacted, That the City of Algood in the County of Putnam, and the inhabitants thereof be, and are hereby constituted a body politic and corporate, under and by the name of the City of Algood, and by that name shall have perpetual succession, may sue, be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property, or dispose of the same for the benefit of said City, and may have and use a corporate seal.

Section 1.02. Corporate Boundaries. Be it further enacted, That the corporate boundaries of the City of Algood shall remain fixed by Chapter 615, Acts of the General Assembly of the State of Tennessee of 1911, and all acts amendatory thereto, and all annexations or detachment of territory made pursuant to general law or charter provision.

Section 1.03. Form of Government. Be it further enacted, That the municipal government provided by this act shall be known as the “mayor council government”. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this act, all powers of the city shall be vested in an elective council, hereinafter referred to as “the council”, which shall enact local legislature, adopt budgets, determine policies, and make appointments as provided for in this charter or by ordinance, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this act, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 1.04. Corporate Powers. Be it further enacted, That the corporate powers of the city, to be exercised by the city council, shall include the following:

(a) To levy and provide for the assessment and collection of taxes on all property subject to taxation.

(b) To levy and provide for the collection of license taxes on privileges, occupations, trades, and professions. A collection fee may be added to each such license tax.

(c) To contract with persons, firms, or corporations who own and rent property outside the corporate limits of the City of Algood, Tennessee, for fire protection from the Fire Department of Algood, Tennessee, for such property upon the terms and conditions as the City Council in its discretion best serves the public interest of the community. In answering any such calls for fire protection contracted for, the City of Algood, Tennessee, and its officers and employees shall be considered as acting in a governmental capacity and while engaged in any duty or activity in connection with the provisions of any such contract, the officers and employees of the City of Algood,

Tennessee, shall be entitled to all rights, privileges, exemptions, and immunities, as if such duty or activity were performed within the corporate limits of the City of Algood, Tennessee.

(d) To appropriate and borrow money as authorized by this act or by other law.

(e) To acquire, dispose of and hold in trust or otherwise any real, personal, or mixed property, inside or outside the city.

(f) To condemn property, inside or outside the city, for present or future use, under Sections 29-16-101 through 29-17-814 of the Tennessee Code Annotated, or under other applicable public acts.

(g) To acquire, operate, maintain, and dispose of public utilities, subject to other provisions of this act and other applicable general laws.

(h) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty (20) years. The council may prescribe the rates, fares, charges, regulations, and standards and conditions or service to be provided by the franchise grantee or contractor.

(i) To regulate the rates and services of public utilities insofar as not in conflict with such regulation by the Tennessee Regulatory Authority or other similar state or federal agency having jurisdiction in such matters.

(j) To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, public grounds, cemeteries, markets, and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements, inside or outside the city, and to regulate the use thereof, and for such purposes property may be taken under Sections 29-16-101 through 29-17-814, inclusive, of the Tennessee Code Annotated, or other applicable public acts.

(k) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(l) To provide for the collection and disposal of garbage, rubbish, refuse.

Charges may be imposed to cover the costs of such service which, if unpaid, shall constitute a lien against any property of persons served, which lien shall be second in priority only to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes.

(m) To define, regulate, and prohibit any act, practice, conduct, or use of property, detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, convenience, or general welfare of inhabitants of the city.

(n) To establish minimum standards for and to regulate building construction and repair, electrical wiring, and equipment, gas installations and equipment, plumbing, and housing, for the health, sanitation, cleanliness, and safety of the inhabitants to the city, and to provide for the enforcement of such standards.

(o) To regulate and license or prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order and for their disposition for sale, gift, or humane killing when redeemed as provided by ordinance.

(p) To regulate and license vehicles operated for hire in the city, to limit the number of such vehicles, to require the operators thereof to be licensed, to require public liability insurance on such vehicles in amounts prescribed by ordinance, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(q) To levy and provide for the collection of special assessments for public improvements.

(r) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable as a misdemeanor.

(s) To exercise and have all other powers, functions, rights, privileges, and immunities necessary, or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this act as fully and completely as if such powers were fully enumerated

herein. No enumeration of particular powers in this act shall be held to be exclusive of others not restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities under the constitution or applicable public laws of the state.

## ARTICLE II

### Mayor and Council

Section 2.01. Number, Selection and Term. Be it further enacted, that there shall be a city council consisting of a mayor and four (4) council members elected from the city at large. Those so elected shall serve until their successors have been elected and qualified as provided in Article III.

Section 2.02. Qualifications. No person who is not qualified to vote in city elections shall be eligible or qualified to be a candidate for, or to hold the office of, mayor or council member. Councilmembers qualifying for an election of Mayor will not have to forfeit their seat during their candidacy. However, candidates may only run for one seat on an election ballot. In addition, the candidate must be a resident of Algood for at least one (1) year immediately prior to the date of the election.

Section 2.03. Compensation. Be it further enacted, That the monthly salary of councilmen shall be approved by ordinance by a two-thirds (2/3) vote of the city council. Prior to each municipal election, the city council shall fix the salaries of those councilmen to be elected for the next corporate four (4) years, which compensation, in accordance with Article XI, Section 9 of the Constitution of the state of Tennessee, shall not be altered prior to the end of the term for which the councilmen were elected. The council shall also be empowered to establish by resolution the procedure for reimbursing councilmen for necessary expenses incurred in connection with city business.

Section 2.04. Presiding officer - Mayor; Vice-Mayor. Be it further enacted, That the mayor, shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. As a member of Council, the Mayor may voice opinions, may make motions, and shall have a vote on all matters coming before the Council. The Mayor shall not have a veto power nor shall the

Mayor have an additional vote to break a tie. The Mayor shall not have any regular administrative duties. The council shall also elect a vice mayor who shall act as mayor during the absence or disability of the mayor and if a vacancy occurs shall become mayor for the completion of the unexpired term. The vice mayor shall be elected from among the council members.

Section 2.05. Powers. Be it further enacted, That all powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation policy of the foregoing, the council shall have power to:

- (1) Appoint and remove a city administrator;
- (2) Establish other administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the city;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department, or agency of the city and make investigations as to municipal affairs;
- (6) Appoint the members of a personnel board;
- (7) Appoint the members of the planning commission and zoning board of appeals per state law. Tennessee Code Annotated 13-4-101 provides that this appointment is the responsibility of the mayor;
- (8) Adopt and modify the official map of the city;
- (9) Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of populations, and the location and use of buildings for trade, industry, business, residence, or other purposes;
- (10) Provide for safe and sanitary housing accommodation for families of low income;
- (11) Create a housing authority;
- (12) Adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas;

(13) Adopt, modify, and carry out; plans proposed by the planning commission for the replanning, improvement, and redevelopment of neighborhoods and for the replanning, reconstruction, or redevelopment of any area or district which may have been destroyed in whole or in part by disaster; and

(14) Provide fair and independent audit.

Section 2.06. Vacancies in Office. Be it further enacted, that a vacancy shall exist if the mayor or a council member resigns, dies, moves his residence from the city, is no longer a registered voter of the city for any reason, has been continuously disabled for a period of six (6) months in a manner and to an extent that has prevented him or her from discharging the duties of his or her office, or is convicted of malfeasance or misfeasance in office, a crime involving moral turpitude, or a violation of the election laws of the state. If a vacancy occurs, the council shall fill it by majority vote.

Section 2.07. Creation of new departments of office. Be it further enacted, That the council by ordinance may create, change, and abolish offices, departments or agencies.

Section 2.08. City Recorder. Be it further enacted, That the council shall elect an officer of the city, who shall have the title of city recorder, shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his or her signature and record in full in a book kept for the purpose all ordinances and resolutions and shall perform such other duties as shall be required by this charter or by ordinance.

Section 2.09. Induction of Council into Office; Meetings of Council. Be it further enacted, That the first meeting of each newly elected council, for induction into office, shall be held on the second Tuesday of the month next following its election, after which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings of the council, shall be open to the public. A majority (three (3) persons) of the city council shall constitute a quorum. Special meetings may be called by the mayor, or upon petition of three council members.

Section 2.10. Rules of Procedure; Journal. Be it further enacted, That the council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

Section 2.11. Ordinances. Be it further enacted, That in addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, or providing for the expenditure of funds, or for the contracting of indebtedness under this act, shall be by ordinance. The enacting clause of all ordinances shall be: "The mayor and the council of the City of Algood hereby ordains".

Section 2.12. City Legislation. Be it further enacted, That any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this act, shall be done only by ordinance. A resolution shall have a brief title describing its contents and a body containing its detailed provisions, but a motion shall consist only of a brief statement of the action proposed to the council. Each resolution and ordinance shall be in written form before being introduced. The affirmative vote of a majority of those voting shall be sufficient to take any action. If a member of council abstains, it shall be considered as "not voting" and shall have no effect on tabulation of votes. On a particular issue, a member who passes once, must then vote yes or no, or abstain. An ordinance shall be approved at two (2) separate meetings not less than one (1) week apart, shall be read aloud at both meetings (except that a majority can vote to suspend reading of the entire document), and shall take effect fourteen (14) days after its adoption. An emergency ordinance, which contains a full statement of the facts and reasons for an emergency, may be read only one (1) day apart, and may be made effective upon its adoption or approved by at least three (3) members of the council on both readings. No ordinance relating to franchise, exclusive contract, or other special privileges shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date, and issuing organization, but the city shall furnish a copy of any such code to any person for a reasonable fee. The recorder shall number ordinances consecutively in the order of their adoption and shall copy them into a permanent record book used solely for this purpose, and the city recorder shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions, and motions shall be filed and preserved by the city



recorder. An abstract of the essential provisions of each ordinance shall be published once in the official city newspaper within fourteen (14) days after its adoption, except that only the title shall be so published of a code adopted by reference as provided in this section.

Section 2.13. Reserved.

Section 2.14. Effective Date of Ordinances. Be it further enacted, Every ordinance, unless it shall specify' another date, shall become effective at the expiration of fourteen (14) days following final passage.

Section 2.15. Independent Annual Audit. Be it further enacted, That prior to the end of each fiscal year the council shall designate a certified public accountant or accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the council and to the city manager. Such accountant or accountants shall have no personal interest, direct or indirect in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department, or agency of the city government.

Section 2.16. Mayor and Council Members May Be Removed From Office by Voters. Be it further enacted, That pursuant to Tennessee Code Annotated § 2-5-151, the mayor or any council member of the city may be removed from office by the voters qualified to vote.

Section 2.17. Mayor, Council Members, and Other Officials May Be Removed From Office by Council. Be it further enacted, That the mayor or any council member or any city official may be removed from office by the city council for the conviction of any crime in office or for grave misconduct showing unfitness for public service, or for permanent disability, by a majority vote of the other members of the city council voting for such removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served upon the accused, or published for three (3) consecutive weeks in a newspaper published or circulated in Algood. The hearing shall be public and the accused shall have the right to appear and defend in person or by counsel and

have process of the city council to compel the attendance of witnesses in his behalf. Such vote shall be determined by yeas and nays, and the names of the members voting for or against such removal shall be included in the minutes. Immediately upon the vote in favor of removal, the term of the accused shall expire and his official status, power and authority shall cease without further action. Any one removed hereunder shall have the right to appeal to the Circuit Court of Putnam County, Tennessee, by filing the customary appeal bond, but he shall not exercise any of the functions of said office during the time said appeal is pending, and his compensation shall be withheld pending final adjudication. The Circuit Court of Putnam County, Tennessee, is hereby given jurisdiction to hear and determine such cases.

### ARTICLE III

#### Nominations and Elections

Section 3.01. Municipal Elections. Be it further enacted, That the mayor and council shall be elected as follows.

(a) On the date of the regular August election in 1998, and each and every four (4) years thereafter, the Mayor and two (2) council members shall be elected for a term of four (4) years.

(b) On the date of the regular August election in 2000, and each and every four (4) years thereafter, two (2) council members shall be elected for a term of four (4) years.

(c)

(1) The Mayor shall serve no more than eight (8) consecutive years as mayor. For the purpose of calculating the eight (8) year limitation, the beginning date is the date of the regular August election in August, 1998.

(2) A council member shall serve no more than eight (8) consecutive years as a council member. For the purpose of calculating the eight (8) year limitation, the beginning date is the date of the regular August election in August, 1998.

(3) The time served by any person appointed to serve less than a full term to fill a vacancy shall not be included in calculating the eight (8) year limitation of this subsection.

(4) No elected official may serve more than sixteen (16) consecutive years in the positions of council member or mayor.

Section 3.02. Regulations of Elections. Be it further enacted, That municipal elections shall be held in conformance with Tennessee Code Annotated 2-2-102 and conducted by the regular election authorities for Putnam County who shall also have power to make such regulations not inconsistent with the charter.

Section 3.03. Non-Resident Property Owners Voting. Persons who reside outside the corporate limits of the municipality but own residential real property, having a lot size of not less than thirty-five hundred (3500) square feet, located inside such limits or who own commercial real property of any size inside such limits, may register and vote in municipal elections under the following conditions.

No more than one (1) person shall be entitled to vote based upon the ownership of an individual tract of property regardless of the number of property owners.

Whereas, as authorized by § 2-6-205 of the Tennessee Code Annotated, non-resident voters, as contemplated in this section, shall cast their municipal ballot as absentee mail ballots only.

No later than forty-five (45) days before the election, the election commission shall mail a notice to each non-resident voter of the voting process and include an application for ballot for the municipal election.

Such nonresident shall not be eligible to hold any municipal office or serve on any municipal board or commission.

## ARTICLE IV

### Initiative and Referendum

Section 4.01. Power of Initiative. Be it further enacted, That the electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the

initiative. Any initiated ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to at least ten percent (10%) of the registered voters at the last regular municipal election.

Section 4.02. Power of Referendum. Be it further enacted, that the electors shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to the vote of the electors, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as other ordinances. Within fourteen (14) days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five percent (25%) of the persons registered to vote at the time of the last preceding regular municipal election may be filed with the city recorder requesting that any such ordinance be either repealed or submitted to a vote of electors.

Section 4.03. Form of Petitions: Committee of Petitioners. Be it further enacted, That all petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of the same five (5) electors, who, as a committee of the petitioners, shall be regarded as responsible for circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Section 4.04. Filing, Examination and Certification of Petitions. Be it further enacted, That all petition papers comprising an initiative or referendum petition shall be assembled and

filed with the city recorder as one instrument. Within twenty (20) days after a petition is filed, the city recorder shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The city recorder shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the city recorder shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

Section 4.05. Amendment of Petitions. Be it further enacted, that an initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the city recorder, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city recorder shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition is still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 4.06. Effect of Certification of Referendum Petition. Be it further enacted, That when a referendum petition, or amended petition, has been certified as sufficient by the city recorder, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect until and unless approved by the electors, as hereinafter provided.

Section 4.07. Consideration by Council. Be it further enacted, That whenever the council receives a certified initiative or referendum petition from the city recorder, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance not later than sixty (60) days after the date on which

ordinance was submitted to the council by the city recorder. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

Section 4.08. Submission to Electors. Be it further enacted, that if the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors in accordance with Tennessee Code Annotated § 2-3-204. The council may, in its discretion, provide for a special election.

Section 4.09. Form of Ballot for Initiated or Referred Ordinances. Be it further enacted, That ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the legal adviser of the city. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance, if a paper ballot, shall leave below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Immediately at the left of each proposition there shall be a square in which by making a cross (x) the elector may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two (2) propositions, one (1) above the other one (1) preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two (2) propositions and thereby to vote for or against the ordinance.

Section 4.10. Results of Election. Be it further enacted, That if a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by

the electors at the same election, the one (1) receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 4.11. Repealing Ordinances Publication. Be it further enacted, That initiative and referendum ordinances adopted and approved by the electors shall be published, and may be amended or repealed by the council, as in the case of other ordinances.

## ARTICLE V

### Intergovernmental Cooperation and Contracting

Section 5.01. Power to Enter Into Intergovernmental Agreements and Contracts. Be it further enacted, That in addition to other powers granted in this act, the city council shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointed official thereof, or with any duly authorized agency of the federal or state government, for the planning, development, construction, acquisition, or operation of any public improvement, utility, or facility, for a common public service, for having the same individuals serve as officers or employees on more than one (1) city on a part-time basis in each city, for the construction or operation of federally-owned utilities and other property on behalf of the federal government, for the acquisition, for entering into contracts relating to acceptance of payments in lieu of taxes and/or state, federal, or other contributions, for the acquisition and operation of utilities, and for the furnishing of services to the federal government and its designees, outside the city limits as well as within; provided, that the subject and purposes of any such contract or cooperative action made and entered into by the council shall be within the scope of the powers of the city.

Section 5.02. Arrangements and Contracting Powers. Be it further enacted, That the city council may exercise the powers conferred in this article by ordinance setting out the terms agreed upon by the parties to such a contract or cooperative contract. The parties to such a contract or cooperative action, or any of them, may acquire, by gift or purchase, or by the power of eminent domain exercised by one (1) or more parties, the lands, buildings, and other property necessary or useful for the purposes of the contract or cooperative action, either within or without the corporate limits of one (1) or more of the contracting parties, and shall have the power to hold and acquire said lands as tenant in common, The city may provide for the

financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner and by the same procedure for the financing by the city of the subject and purposes of the contract or cooperative action as if acting along and on its own behalf. Such contract also may provide for the establishment and selection of a joint commission, officer, or officers to supervise, manage and have charge of such joint service or project, and may provide for the powers and duties, terms of office compensation, if any, and other provisions relating to the members of such joint commission, officer, or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation; provided, that such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

Section 5.03. Liability of Officers. Be it further enacted, That all public officers acting under the authority of a contract or cooperative action under the provisions of this article shall be deemed to be subject to the same liabilities to which they would have been subjected for actions occurring entirely within their own territorial limits.

Section 5.04. Deposits and Disbursements of Funds. Be it further enacted, That all money received pursuant to any such contract or cooperative action, under the provisions of this article, unless otherwise provided by law, shall be deposited in the appropriate fund or funds and disbursed in accordance with the provisions of such contract or cooperative action.

## ARTICLE VI

### City Court

Section 6.01. City Court Established. Be it further enacted, That there is hereby created a City Court for the City of Algood which shall have exclusive original jurisdiction of all violations of municipal ordinances.

Section 6.02. Judge of the City Court. Be it further enacted, That there is hereby created the office of city judge who shall hold and preside over the city court. The judge shall be a person not less than thirty (30) years of age and a resident of Putnam County. He shall be



appointed by the Mayor and Council for a term of two (2) years, and the person appointed shall serve until expiration of said term or until his successor shall have been appointed and qualified. In the event the regular judge shall be temporarily absent, the mayor shall appoint some practicing attorney to hold court during the absence of said regular judge; such appointment shall be entered in the minutes of the court and said special judge shall take the same oath and shall be vested with the same powers as the regular judge. In the event of a vacancy in the office of city judge, the Mayor and Council shall appoint a judge to serve the unexpired term.

Section 6.03. Authority of Court. Be it further enacted, That the judge of said court shall have all the authority necessary and proper for the conduct of said court and he shall have the authority to make rules for the orderly operation of his court.

Section 6.04. Jurisdiction of Court. Be it further enacted, That so far as the same is applicable to the court, the judge, and the cases within the jurisdiction of the city court, the laws regulating the forms of process; judgments, right to appeal, and procedure for appeals; fees and other compensation of clerks, law enforcement officers and other officials; fees, dues and witnesses; cost, sureties, and collection of costs; and all other laws regulating the conduct and proceeding shall be the same as the General Sessions Courts.

Section 6.05. Compensation of City Judge. Be it further enacted, That the judge of said city court shall receive as his total compensation for his services which shall be set by ordinance and shall be paid to him in equal monthly installments by the City of Algood and future annual compensation shall be set by ordinance. All fees and other emoluments which shall accrue because of services rendered by the judge shall be the property of and shall be paid to the City of Algood. Compensation of the judge may be increased by the Mayor and Council, but cannot be decreased during his term.

Section 6.06. Clerk of Court. Be it further enacted, That the recorder of the City of Algood shall be the clerk of the city court. The clerk shall have the duty to keep all the records of the court and shall keep a docket in which shall be entered the disposition of all cases heard by the court. The recorder shall receive no additional compensation for his services as clerk. All fees and other emoluments which accrue because of services rendered by the clerk shall be the property of and shall be paid to the City of Algood. It shall be the duty of the clerk to collect

all fines imposed by the city court and all costs which accrue and pay the same to the City of Algood. The clerk shall have the authority concurrent with the judge to issue warrants and other process, except those which the law requires to be issued by a judicial officer.

## ARTICLE VII

### Miscellaneous Provisions

Section 7.01. Contracts Extending Beyond One Year. Be it further enacted, That no contract involving the payment of money out of the appropriations of more than one (1) year, other than bonds, or other obligations lawfully issued, shall be made for a period of more than five (5) years; nor shall any such contract be valid unless made or approved by ordinance or resolution. This section shall not apply to contracts entered into by the city council which has been approved by resolution authorizing a contract not to exceed forty (40) years for the construction of a public building or other public facility where the revenues derived from said public building or other public facility or the use thereof shall retire the cost of construction of the said public building or other public facility amortization thereof, and the purchase of the real estate on which the public building or other public facility is located.

Section 7.02. Publicity of Records. Be it further enacted, That all records and accounts of every office, department, or agency of the city shall be open to inspection by any citizen of Algood, any representative of a citizens' organization of Algood or any representative of the press at all reasonable times and under reasonable regulations established by the city council, except health and personnel records of a confidential nature, and records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Section 7.03. Personal Interest. Be it further enacted, That no member of the council shall have a substantial financial, interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, material, supplies, or services. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the

knowledge expressed or implied of the person or corporation contracting with the city shall render the contract voidable by the city council.

Section 7.04. Disbursement of Funds. All funds of the city shall be paid by check countersigned by the mayor, vice mayor, and/or the recorder, and disbursed pursuant to a budget which shall be established and approved by the council annually. Any two (2) of the above mentioned three (3) signatures shall be sufficient.

Section 7.05. Official Bonds. Be it further enacted, That the city recorder, and such other officers or employees as the council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

Section 7.06. Oath of Office. Be it further enacted, That every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the charter and ordinances of the City of Algood, and will faithfully discharge the duties of the office of \_\_\_\_\_.

Section 7.07. Penalties. Be it further enacted, That the violation of any provision of the act is hereby declared to be punishable as provided under general law.

Section 7.08. Repeal of Laws in Conflict. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section 7.09. Severability. Be it further enacted, That if any article, section, subsection, paragraph, sentence, or part thereof, of this act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this act unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being the legislative intent in enacting this act that each article, section, subsection, paragraph, sentence, or part thereof, be enacted separately and independently of each other.

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 Algood. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Algood 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.