

CHARTER FOR THE CITY OF BROWNSVILLE, TENNESSEE¹

CHAPTER NO. 124

SENATE BILL NO. 2830

By Mr. Speaker Wilder

Substituted for: House Bill No. 2851

By Crain

AN ACT Continuing the corporate existence of the City of Brownsville, Tennessee, providing a new Charter for such corporation, and repealing Chapter 128 of the Private acts of 1991, Chapter 76 of the Private Acts of 1991, and any other Acts amendatory thereto.

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¹Priv. Acts 1994, ch. 124, is the current basic charter act for the City of Brownsville, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 1994 session of the Tennessee General Assembly and is current with the laws from the 2023 Regular Session of the 113th Tennessee General Assembly. No changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

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

Incorporation, Name and General Powers

SECTION 1. The City of Brownsville, Tennessee, shall continue as a body politic and corporate by the name and style of "Board of Mayor and Aldermen of Brownsville, Tennessee", and this Act shall constitute its complete Charter. The City of Brownsville shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the Courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Definitions

SECTION 2. As used in this Charter the following words and terms shall have the following meanings:

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

(b) "Board of Mayor and Aldermen" and "Board" shall mean the legislative body of the City, which shall be composed of the Mayor and four (4) Aldermen elected as provided in this Charter.

(c) "Elector" shall mean a qualified voter residing within the City for a period of at least twenty (20) days or as otherwise set forth in Tennessee Code Annotated, Section 2-1-102, preceding an election or who is otherwise lawfully registered to vote at an address within the City limits under the laws of the State of Tennessee. Electors shall be eligible to vote for candidates for Aldermen only for the ward where the elector

resides or is lawfully registered to vote, in the manner described in the manner described in Section 5.

(d) "Nonpartisan" shall mean without any designation or candidates as members or candidates of any State or national political party or organization.

(e) "Wards" shall mean the area from which Aldermen are elected as prescribed by ordinance.

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

Corporate Boundaries

SECTION 3. The boundaries of the City shall be those fixed by Chapter 298 of the Private Acts of 1943, all Acts amendatory thereof, and such annexations made pursuant to law and in accordance with the provisions of the Consent Decree Between Certain Plaintiffs and The City of Brownsville, Acting Through the Board of Mayor and Aldermen for the City of Brownsville, Civil Action No. 92-1139, United States District Court for the Western District of Tennessee, Eastern Division, entered October 27, 1993 (hereinafter referred to as "Consent Decree").

SECTION 4. Powers of City Enumerated. The City shall have power:

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

(b) To levy and collect privilege taxes on businesses, privileges, occupations, trades and professions, and to levy and collect any other kind of tax not prohibited to cities by the Constitution or general law.

(c) To levy and collect registration fees on motor vehicles operated within the City. Such registration fees may be graduated according to the tonnage capacities, weight or horsepower of motor vehicles.

(d) To appropriate and borrow money as authorized in this Charter, and to authorize the expenditure of money for any municipal purpose.

(e) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift or

condemnation, for public use, for present or future use by the City, to reserve industrial sites, to provide open spaces, to encourage proper development of the community or for the general welfare of the community. Such acquisitions may be within or outside the City.

(f) To operate a telecommunications system. To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by the Tennessee Public Service Commission or other State or federal agency having jurisdiction in such matters.

(g) To provide for the acquisition, construction, building, operation maintenance of: public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, waterworks, docks, gas works, marinas, forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detention, 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 either acquired or taken under applicable laws.

(h) To make regulations to secure the general health, safety and welfare of the inhabitants and to prevent, abate and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The City shall have the power 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.

(i)¹ To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(j) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service

¹The former subsection (h) was deleted by Priv. Acts 2007, ch. 33, § 1. Subsequent subsections were renumbered by the compiler though the act did not contain instructions to do so.

which, if unpaid, shall be collectible in the same manner as taxes or other debts.

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

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

(m) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(n) To regulate, license and 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 to provide for their disposition by sale, gift or humane killing when not redeemed as provided by ordinance.

(o) To regulate and license vehicles operated for hire in the City, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(p) To provide that the violation of any ordinance, rule, regulation or order shall be punishable by a civil penalty or forfeiture not to exceed the amount provided for in state law, and costs.

(q) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects and to institute programs to effectuate such plans.

(r) To exercise and have all other powers, functions, rights, privileges and immunities granted by general laws or 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 Charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers

in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state. [As amended by Priv Acts 2007, ch. 33, § 1]

Election of Mayor and Aldermen; Terms of Such Officers;

Ward Boundaries; Qualifications to Serve as Elected Officials;

Elections

SECTION 5. (a) The officers to be chosen in a nonpartisan election by the electors of Brownsville shall be the Mayor and four (4) Aldermen, with the Mayor elected at-large and the Aldermen elected by district or ward, these terms being synonymous whenever used in this Charter. The terms of all such officers to be elected by the people shall begin after taking the oath of office at the next regularly scheduled meeting of the City of Brownsville Board of Mayor and Aldermen following their election, and they shall hold their respective offices until their successors are duly elected and qualified, or until a vacancy exists as described in Section 10.

(b) The ward boundaries are prescribed and authorized by ordinance enacted as presented on August 10, 1993, and as reflected in the City's official minutes, and as further reflected and attached to and incorporated into the Consent Decree between certain plaintiffs and the City of Brownsville, acting through the Board of Mayor and Aldermen for the City of Brownsville, executed on October 25, 1993. They may be changed or revised by ordinance duly adopted by the Board of Mayor and Aldermen of the City of Brownsville in any manner consistent with the provisions of such Consent Decree.

(c) To be qualified to be a candidate or to serve as an elected official of the City of Brownsville, Tennessee, a person must be at least twenty-one (21) years of age prior to his or her taking office; be a citizen of the State of Tennessee; be a bona fide resident of the City of Brownsville, Tennessee, in the ward for which he or she is a candidate, and be a qualified voter in the City of Brownsville, Tennessee.

(d) Beginning with the 1994 mayoral election, the Mayor shall be elected every four (4) years and shall serve a four (4) year term. A regularly scheduled election will be held on the third Tuesday in June, 1994 for the office of Mayor and all four (4) Aldermen positions, at which

the candidate residing in Ward No. 1 who receives the highest number of votes cast, and the candidate residing in Ward No. 3 who receives the highest number of votes cast, shall be declared elected as Aldermen from those wards and shall serve and hold office for two (2) years, or until their successors shall have been duly elected and qualified. Beginning with the regularly scheduled 1996 elections the candidates from Wards 1 and 3 with the highest number of votes shall be elected for four (4) year terms, it being the intention of this Charter to preserve the staggered term provisions set forth in the pre-existing Charter, Chapter 76 of the Private Acts of 1991. At the election to be held on the third Tuesday of June, 1994, the candidate residing in Ward No. 2 who receives the highest number of votes cast, and the candidate residing in Ward No. 4 who receives the highest number of votes cast, shall be declared elected as Aldermen for those wards and shall serve and hold office for four (4) years, or until their successors shall have been duly elected and qualified.

(e) After the election on the third Tuesday in June, 1994, all future regularly scheduled elections shall be held on the third Tuesday in June of even-numbered years. The terms of those elected shall begin at the first regularly scheduled meeting after the election commission has certified the results of the election. Nothing in this Section shall be construed to prevent an Alderman from running for re-election, so long as he or she remains a qualified candidate as defined in Section 5 (c).

Gift or Promise From Candidate Deemed a Misdemeanor

SECTION 6. Giving or promising to any person or persons any office, employment, money, benefit or anything of value, by or on behalf of any candidate, is a violation of law and any person found to have violated such prohibition is ineligible to hold an office or position of employment in the City government for a period of five (5) years.

Board of Mayor and Aldermen--Powers; Compensation;

Meetings; Majority to Constitute a Quorum

SECTION 7. (a) The Mayor and four (4) Aldermen, one (1) for each ward identified in Section 5, elected under this Charter shall compose the Board of Mayor and Aldermen, in which is vested all corporate, legislative and other powers of the City, except as otherwise provided in this Charter.

(b) The compensation and benefits of the Mayor and Aldermen shall be set and changed only by ordinance, except that such

compensation and benefits as the Mayor and the Aldermen are receiving at the time of the adoption of this Charter shall continue until changed by ordinance. The salary of the Mayor and/or any Alderman shall not be changed during the term of office. The Mayor and Aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The Board of Mayor and Aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board shall meet in special session by notice of the Mayor or any two (2) Aldermen if such notice is served on the other members of the Board or as agreed upon by a duly adopted motion at a regular or special meeting.

(d) A majority of the Board, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes shall be recorded in the journal. The Board may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

Mayor Shall Preside at Meetings of the Board;

Shall Have Voice and Vote; Shall be Recognized as

Ceremonial Head of City

SECTION 8. The Mayor shall preside at meetings of the Board, and shall have a voice and vote on any matter. He shall be recognized as the ceremonial head of the City. He shall be the officer to accept process against the City, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

Vice-Mayor

SECTION 9. There shall be a Vice-Mayor who shall be elected at the first meeting after each election by the Board from among their number. The term of office of the Vice-Mayor shall be for a period of two (2) years. The Vice-Mayor shall perform the duties of the Mayor during his temporary absence or inability to act. In case of vacancy in the officer of Mayor, the Vice-Mayor shall complete the unexpired term, or until the next regular City election, whichever shall occur first. If the Vice-Mayor is completing a term in the office of Mayor, his position as an Alderman shall become vacant and the Board shall fill the

vacancy as provided in SECTION 10. The Board shall select another of their number to complete the unexpired term of the Vice-Mayor.

Vacancies of the Board of Mayor and Aldermen

SECTION 10. The Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his residence from the City, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or the election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances or has been continuously disabled for a period of at least six (6) months so as to prevent him from discharging the duties of his office. The Board of Mayor and Aldermen shall, within a period of sixty (60) days from the date on which a vacancy was declared, appoint a qualified person who meets the requirements set forth in Section 5 (c), to fill the vacancy for the remainder of the unexpired term or until the next regular City election, whichever shall occur first. If the next regular City election occurs prior to the expiration of the term, a special election shall be held, at the same time as the regular City election, to fill the remainder of the unexpired term. Notwithstanding any other provision in this Section, if a vacancy as described in this Section occurs and is filled within six (6) months of a regularly scheduled City election, the special election provided for in this Section shall not be held.

Aldermen to Act on All Matters as a Body; Mayor's

Power to Delegate Authority to Board Members

SECTION 11. The Aldermen shall act on all matters as a body. The Mayor is hereby given the authority to delegate to any Board member any authority he deems appropriate. The Board shall deal with the various agencies, officers and employees of the City, solely through the Mayor, and shall not give orders to any subordinates of the Mayor, either publicly or privately. Nothing herein contained shall prevent the Board from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as it may deem necessary. All members of the Board of Aldermen shall have the same rights, responsibilities, privileges and powers exercised by all other Aldermen. No attempt shall be made, nor rules or other measures passed or practices adopted that have the purpose or effect of preventing any Aldermen from participating fully or fairly in all matters that come before the Board of Mayor and Aldermen.

Ordinances

SECTION 12. 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, shall be done only by ordinance. All ordinances adopted must have three (3) affirmative votes. Other actions may be

accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the City of Brownsville." Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one (1) day. Ordinances shall take effect upon final reading and adoption unless a different effective date is designed in the ordinance.

Departments and Offices of the City

SECTION 13. The City government shall be organized into such departments and offices as shall be provided by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board may establish, abolish, merge or consolidate offices, positions of employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments.

Mayor--Other Duties

SECTION 14. The Mayor shall have the powers of a business manager; he shall have supervision and control of all the administrative affairs of the City; he shall be its chief executive. He shall have access to all of the books, records, offices and papers of every kind pertaining to the City's business and require their proper and safe keeping. He shall present in writing or verbally to the Board his recommendations of the needs of the City at any time he deems advisable. The Mayor shall have control over all municipal improvements and property. The Mayor shall take all proper measures for the preservations of public order and preservation of the peace and he may call upon the Governor for military aid. The Mayor shall appoint, subject to confirmation by the Board, the City Clerk and any other employee who is designated a department head by ordinance. The Mayor, subject to confirmation by the Board, shall have authority to make appointments, promotions and transfers of employees; to make demotions, suspensions and removals of officers and employees for cause.

City Clerk--Appointment; Duties

SECTION 15. The Mayor, shall appoint, subject to confirmation by the Board, a City Clerk, who shall serve at the will of the Board for an indefinite term. The City Clerk shall keep and preserve the City seal and all official records not required by law or ordinance to be filed elsewhere; attend all meetings of the Board and maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motto considered, the title of each resolution and ordinance considered and the vote on each question; and prepare and certify copies of official records. The City Clerk shall act as tax collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected. The City Clerk may act as treasurer and shall receive and keep safely all funds of the City and shall pay out the same upon warrants signed by the Mayor and City Clerk. One (1) Alderman may sign in place of either the Mayor or City Clerk. In the absence, disability or disqualification of the City Judge, the City Clerk will have all the powers and duties of the City Judge as granted in this Charter, insofar as allowed by the laws of the State of Tennessee. [As amended by Priv. Acts 2007, ch. 33, § 2]

City Attorney

SECTION 16. The Mayor, subject to confirmation by the Board, shall appoint a City Attorney to serve at the will and pleasure of the Board. The City Attorney shall be responsible for advising the Board and officers and employees 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.

City Judge

SECTION 17. (a) There is created for the City of Brownsville a City Court, and the office of City Judge to preside over such City Court. The City Judge shall be appointed by, and serve at the will of, the Board of Mayor and Aldermen. The Court shall have original and exclusive jurisdiction of all violations of municipal ordinances, and shall be clothed with the same powers as the Court of General Sessions, touching the arrest and preliminary trial, discharging, binding over or punishing of all persons charged with offenses against the state committed in the City of Brownsville.

(b) A session of the Court shall be held on as many days as are necessary, in order to efficiently transact the business coming before such Court.

(c) The Judge of the Court and the Clerk of the Court are authorized and empowered to administer oaths and affirmations.

(d) All process issuing from the Court shall be signed by the Judge, or City Clerk and they shall have the power to issue search warrants or warrants for the arrest of persons charged with the violation of the ordinances of the City, insofar as allowed by the laws of the State of Tennessee.

(e) Every person arrested on the charge of violating an ordinance of the City, or on process issuing from such Court, shall be presented to the Court for trial.

(f) An appeal may be taken in all cases involving the violation of an ordinance of the City to the Circuit Court of Haywood County, Tennessee, such appeal to be conditional as is now prescribed by statute for the appeal of all civil cases from the judgment of the Court of General Sessions.

(g) The City Judge shall be a lawyer by practice and profession engaged in the active practice of law, a person of good moral character and shall have been for one (1) year prior to his appointment a bona fide resident of Haywood County, Tennessee, and shall have been a licensed lawyer for at least one (1) year prior to his appointment. The City Judge shall not act as an attorney for any litigant in any civil or criminal suit involving an issue of fact or law upon which he has made a determination as City Judge. If a conflict of interest arises as described in the preceding sentence and the City Clerk is unable or unwilling to hear the matter, the City Judge shall be empowered to appoint a Special Judge, possessing all of the qualifications of the regular Judge, except that residency in Haywood County is not a prerequisite, to act in his stead on such matter or matters. Such appointment shall be copied on the minutes of the Court, and the Special Judge shall take the same oath and be clothed with the same powers, as to those matters, as the regular City Judge. The Special Judge shall be paid on a pro-rata basis or in some other amount reasonable under the circumstances as set forth in subsection (h) for the regular Judge, provided that all such expenditures be submitted in a timely fashion to the Board of Mayor and Aldermen, and provided further that the Board specifically authorizes the expenditure of all sums exceeding two hundred dollars (\$200).

(h) The salary of the City Judge shall be fixed by the Board of Mayor and Aldermen, payable in equal monthly installments. In the case of a vacancy by resignation, death or otherwise in the office of City Judge, such vacancy shall be filled by appointment of the Board of Mayor and Aldermen of the City, who upon his qualification shall hold office to act in his room and stead, and the Special Judge shall take the same oath and be clothed with the same powers pro tempore as the Regular Judge; or in the temporary absence or during the disability of the City Judge for any cause, the City Clerk shall continue to have power and authority to try and dispose of all cases and all matters coming before City Court, and he shall continue to be clothed with the same powers and duties as he now is clothed and vested with, insofar as authorized by the laws of the State of Tennessee. The City Clerk shall continue to have concurrent jurisdiction and authority as is vested in the City Judge under this act.

(i) Such City Judge, before entering upon the performance of his duties, shall take the same oath as the Mayor and Aldermen of the City, the oath to be administered by the Mayor or City Clerk.

(j) The City Clerk of the City of Brownsville is empowered to administer oaths and affirmations, collect and receive all fines, fees, penalties and costs which he shall pay into the City Treasury, issue and to process search warrants, arrest warrants and to take bail in any case of which the City Court has jurisdiction, and to approve all appeal bonds, and he shall keep dockets and other Court records.

Salaries of City Employees

SECTION 18. Only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

Appointment and Promotion of City Employees

SECTION 19. The appointment and promotion of employees of the City shall be on a 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.

Adoption of Supplementary Rules and Regulations

Governing Employment by the City

SECTION 20. The Board may adopt supplementary rules and regulations governing employment by the City, not inconsistent with the provisions of this Charter.

Oath of Office

SECTION 21. Before a person takes any office in the City government, he shall subscribe to the following oath or affirmation, administered by the Clerk or the Mayor: "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 Brownsville, and that I will faithfully discharge the duties of the office of _____."

Performance or Fidelity Bond

SECTION 22. The Mayor and every officer, agent and employee of the City having duties embracing the receipt, disbursement, custody or handling of money, and other officers and employees designated by the Board shall give 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 prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board and the cost of such bonds shall be paid by the City.

Misdemeanor to Solicit or Give any Valuable Consideration in Connection With Employment by the City Government or in Connection with any City Election

SECTION 23. 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 City 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 City in connection with any City election. Any person who by himself or with others willfully or corruptly violates any provision of this section commits a violation.

Upon a judicial finding thereof with respect to an officer or employee of the City, such officer or employee shall immediately forfeit and vacate the office or position held and be ineligible to hold any office or position of employment in the City Government for a period of five (5) years thereafter.

Acceptance of Free or Preferred Services by Officers or Employees

SECTION 24. No officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the City.

Fiscal year

SECTION 25. The fiscal year of the City Government shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year.

Budget

SECTION 26. Prior to the beginning of each fiscal year, the Mayor shall submit to the Board a proposed budget for the next fiscal year, showing separately for the general fund and each other fund the following: (a) revenue and expenditures during the preceding year, (b) estimated revenue and expenditures for the current fiscal year, (c) estimated revenue and recommended expenditures for the next fiscal year, and (d) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the Mayor. A copy of the budget in full shall be filed with the City Clerk for public inspection and a copy shall be furnished to each Alderman.

Amendments to and Adoption of the Budget

SECTION 27. The Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year.

Mayor to Control Expenditures

SECTION 28. The Mayor shall be responsible for controlling expenditures of the various agencies of the City Government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

Contracts/Agreements Made in Violation of Charter/Ordinances

SECTION 29. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the City shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the City for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his removal.

Mayor May Sell Obsolete Property

SECTION 30. The Mayor may sell or dispose of, subject to approval of the Board, City property or any real estate which is obsolete, surplus or unusable.

Contractors to Have Bond

SECTION 31. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price.

Property Subject to Property Tax

SECTION 32. All property subject to taxation shall be subject to the property tax levied by the City.

Omitted Property to be Added by Clerk

SECTION 33. The City Clerk will report and have added to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the City.

Setting of Tax Rate

SECTION 34. The Board shall make a tax levy, expressed as fixed rate per one hundred dollars (\$100) of assessed valuation, not later than ninety (90) days prior to the tax due date. In the event of Board's failure to do so, the prior year's tax rate shall continue in effect.

Property Taxes--Notice to Taxpayers; Delinquent

Taxes Subject to Penalty and Interest

SECTION 35. The due dates of property taxes shall be fixed by ordinance. The City shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency shall be subject to penalty, or interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a Court of Record.

Collection of Delinquent Taxes

SECTION 36. The Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor to be executed by any police officer of the City under the laws governing execution of such process from a justice of the peace; or by the county trustee as provided by general law; or by the City Attorney acting in accordance with general laws providing for the collection of delinquent City or County taxes; by garnishment; by suits in chancery; or by any two (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies.

City May Contract with County for Collection of Taxes

SECTION 37. The City may contract with the county for the collection of City taxes. The contract may provide for reasonable fees to be paid to the County for this service.

Excusing Taxes; Correcting Errors

SECTION 38. No officer or employee of the City shall have the authority to excuse taxes, special assessments or other charges due the City, but errors may be corrected when authorized by the Board.

Disbursements

SECTION 39. All disbursements, except for any agency of the City administered by a Board or Commission, shall be made by checks signed by the City Clerk and countersigned by the Mayor. The Board may designate any Alderman to sign such checks in the absence or disability of the Mayor or City Clerk.

Official Depository

SECTION 40. The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the Board.

Board Has Power to Contract

SECTION 41. In addition to other powers granted in this Charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof or with any duly authorized agency of the federal or State government, for the exercise of any power or function which the City is authorized to undertake by this Charter.

Adoption of General Laws or Public Acts

SECTION 42. Notwithstanding any provision of this Charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the State, in lieu of or in addition to provisions of this Charter.

Acts Repealed

SECTION 43. When this Act becomes applicable as the Charter of the City of Brownsville, Tennessee, the following acts are hereby repealed: Chapter 128 of the Private Acts of 1991; and Chapter 76 of the Private Acts of 1991.

Severability Clause

SECTION 44. If any article, section, subsection, paragraph, sentence or part of this Charter shall be held to be 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 or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence or part be enacted separately and independently of each other.

Passage of this Act

SECTION 45. To be applicable as the Charter of the City of Brownsville, this Act must be approved by a two-thirds (2/3) vote of the governing body; such vote to be taken not more than one hundred twenty (120) days after the effective date of this Act. The Mayor shall, within ten (10) days thereafter, certify to the Secretary of State the results of such vote. Provided, however, that nothing in this Charter shall be construed to challenge or otherwise affect the form of relief set forth in the Consent Decree previously referenced.

Date of Effect

SECTION 46. For the purpose of approving or rejecting the provisions of this Act, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 45, or as required under the Consent Decree.

PASSED: February 28, 1994

s/John S. Wilder
JOHN S. WILDER,
SPEAKER OF THE SENATE

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 3 day of March 1994

s/Ned McWherter
NED McWHERTER, GOVERNOR

RELATED ACTS

PAGE

Priv. Acts 2008, ch. 107,
"Brownsville Energy Authority"

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF
BROWNSVILLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1994	124	Basic charter act.
