

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. SCHOOL BOARD.
2. RECREATION ADVISORY COMMISSION.
3. TREE ADVISORY BOARD.

CHAPTER 1

SCHOOL BOARD

SECTION

- 2-101. Establishment and maintenance of school system.
- 2-102. Collection of common school funds from county.
- 2-103. "Common school fund" defined.
- 2-104. Bonds required of certain officials.
- 2-105. City manager's responsibilities.
- 2-106. Board of education.
- 2-107. Fiscal year.
- 2-108. Expenditures by board of education.
- 2-109. Reports to city council--compensation of members of board of education.
- 2-110. Students not entitled to free education.

2-101. Establishment and maintenance of school system. The city, in its corporate capacity, does hereby assume control and management of the pro rata share of its citizens in and to the common school funds of the County of Anderson and State of Tennessee and undertakes the administration of the common school laws within its corporate limits for the purpose of establishing and maintaining therein a system of high graded common schools. (1991 Code, § 2-101)

2-102. Collection of common school funds from county. The city manager of the city shall collect and receive from the trustee of Anderson

¹Charter references

Advisory boards: art. III, § 4.

Board of education: art. VII.

Port authority board: art. VIII

Utility board: art. IX.

Municipal code reference

Clinton Utilities Board: title 18, chapter 1.

County the city's proper pro rata share, as provided by statute, of the common school funds of the county which may then be in or may thereafter come into his hands. (1991 Code, § 2-102)

2-103. "Common school fund" defined. The "common school fund" of the city shall be:

(1) The city's proper pro rata share of the common school funds of the county and state as now is or may hereafter be provided by law.

(2) Such portion of the city's annual levy on polls, property and privileges within the city as may be set aside from time to time by the city council.

(3) The net proceeds of any special levies made for school purposes.

(4) Such sums as may be received on account of students attending the schools who are not for any reason entitled to free education therein.

(5) Such other sums, not herein expressly provided for, as may be received from miscellaneous sources. (1991 Code, § 2-103)

2-104. Bonds required of certain officials. The treasurer of the board of education shall each give annually a separate school fund bond in the penal sum required by law with good and solvent sureties conditioned as common school fund bonds now executed to the county and state together with such additional provisions as may be necessary to enforce duties and responsibilities imposed by this or other ordinances of the city. (1991 Code, § 2-104, modified)

2-105. City manager's responsibilities. The city manager shall make settlements of the school fund account with the trustee and treasurer as for other revenues of the city and shall make due report thereof to the city council for its inspection, correction and approval. (1991 Code, § 2-105)

2-106. Board of education. There is hereby created for the city a popularly elected board of education to consist of six (6) members, two (2) members from each of the three (3) identified wards of the city. Said members shall, at the time of their election and for the term of their service, be residents of the city and of the ward from which they are elected.

Elections for the school board shall be on the same schedule as city general elections.

Any vacancy in the office of a school board member from death, resignation, moving from the city or ward or other cause shall be filled by appointment of a school board member by the city council for the unexpired portion of the term of office.

The board shall, within thirty (30) days after the special elections to be held in June, 1999 and June, 2000, meet and organize by the election of a president, a secretary and a treasurer. The treasurer shall be required to promptly give bond as is provided consistent with the terms of the charter.

Beginning with the general elections in December, 2001 and every year thereafter in the month of January, the board shall meet and organize itself as herein provided by the election of officers.

The duties and powers of the board of education shall be to institute, operate and have general supervision of a system of public schools for the city, to procure suitable buildings, rooms and furnishings, to employ teachers and other necessary personnel, and to do all other acts necessary and have such duties as are incumbent to the operation of a municipal public school system as defined in the ordinances of the city and the state general law.

The board of education shall have no power to purchase real estate. (1991 Code, § 2-106, modified)

2-107. Fiscal year. The school system fiscal year shall be from July 1st to June 30th of each year. (1991 Code, § 2-107)

2-108. Expenditures by board of education. Before the 1st day of August in each year the city council shall cause to be certified to the board of education the total amount of school funds of the current year and the board of education shall be limited in their expenditures for all purposes for any one (1) year to the sum so certified. (1991 Code, § 2-108, modified)

2-109. Reports to city council--compensation of members of board of education. The board of education shall make to the city council at its last regular meeting before the close of each school fiscal year a full and complete report of its receipts and expenditures. It shall at that time also present to the city council all vouchers and other matters of interest touching the management of the schools. The board of education shall make such special reports as may be required of it by the city council.

Members of the board of education shall serve without compensation. (1991 Code, § 2-109)

2-110. Students not entitled to free education. The board of education shall make regulations controlling the admission of students not entitled by law to free education in the city schools. (1991 Code, § 2-110)

CHAPTER 2

RECREATION ADVISORY COMMISSION

SECTION

2-201. Creation.

2-202. Purpose and duties.

2-203. Membership and organization.

2-201. Creation. There is hereby created a recreation advisory commission in and for the City of Clinton. (1991 Code, § 2-201)

2-202. Purpose and duties. The recreation advisory commission shall have the following purposes and duties:

(1) To advise the city council, city manager, and recreation director on kinds of recreation programs and facilities desired by the citizens.

(2) To formulate and submit recommendations to the city council, the recreation director, and city manager regarding administration and expansion of the city's recreation program.

(3) To serve as liaison for new programs between volunteer recreation workers and organizations, the recreation director, and the city manager. (1991 Code, § 2-202)

2-203. Membership and organization. The committee will be comprised of five (5) members, all appointed by the city council. They shall all be residents of the city. One (1) shall be a member of the city council; he shall be appointed for a one (1) year term. The remaining four (4) shall be appointed for two (2) year terms, except for the initial appointments which shall be made so that the terms of office of two (2) members shall expire in one (1) year, and the terms of office of two (2) members shall expire in two (2) years. Members shall serve until their successors are appointed and qualified. Members shall serve without compensation. The commission shall have one (1) regularly scheduled meeting each calendar month, which shall be held at such time and place as the commission shall prescribe. The membership shall, from among its members, elect a chairman and secretary for one (1) year terms. The city manager and recreation director shall be ex officio members of the commission and shall meet with the commission at its regular meetings. (1991 Code, § 2-203)

CHAPTER 3

TREE ADVISORY BOARD

SECTION

- 2-301. Membership, terms, compensation and vacancies.
- 2-302. General powers and duties.
- 2-303. Definitions.
- 2-304. Operation.
- 2-305. Street trees to be planted.
- 2-306. Spacing.
- 2-307. Distance from curb and sidewalk.
- 2-308. Utilities.
- 2-309. Public tree care.
- 2-310. Tree topping.
- 2-311. Removal of stumps.
- 2-312. Violations and penalty.

2-301. Membership, terms, compensation and vacancies. There is hereby created a tree advisory board which shall consist of seven (7) persons, as follows: four (4) citizens without special qualifications; the mayor of the city or his/her designee; the director of public works or his/her designee; and the director of parks and recreation or his/her designee. The four (4) citizen members shall be appointed by the city mayor and ratified by city council to service for terms of four (4) years or until their successors are appointed. However, the first citizen members shall be appointed with two (2) members to serve for two (2) years and two (2) members to serve for four (4) years. The members of such board shall serve without pay. Any vacancy in the board occurring other than by expiration of term shall be filled only for the unexpired term, and such appointment shall be made by the mayor.

2-302. General powers and duties. It shall be the responsibility of the board:

(1) To develop and administer a comprehensive written plan for the planting, maintenance, and removal of trees or other growth on all municipal lands and along public streets. This plan shall designate the appropriate tree species to be planted upon public property; the appropriate requirements for spacing; the distances from curb or sidewalk, street corners and fireplugs; and the location of utilities when planting trees. Such plan shall be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Clinton.

(2) To establish policies concerning the care of trees on public property including, but not limited to, such matters as tree topping, pruning, removal of dead or diseased trees and removal of stumps.

(3) Upon request by the city council or city manager to consider, investigate, make findings, report and make recommendations upon any special matter or question coming within the scope of its work.

2-303. Definitions. (1) "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

(2) "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by the city, or to which the public has free access as a park.

2-304. Operation. The board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.

2-305. Street trees to be planted. The tree board shall formulate a species list of trees acceptable for planting on all city property. That list shall consist of small trees under thirty feet (30') tall, medium trees thirty to fifty feet (30' - 50') tall, and large trees over fifty feet (50') in height. No species other than those included in this list may be planted on city property without application to and written permission received from the tree board. That species list shall be made available for reference and be called the City of Clinton Species List.

2-306. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in § 2-305, and no trees may be planted closer together than the following: Small trees, twenty feet (20'); medium trees thirty feet (30'); and large trees, forty feet (40'); except in special plantings designed or approved by the tree board.

2-307. Distance from curb and sidewalk. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in § 2-305, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet (2'); medium trees, four feet (4'); and large trees, six feet (6').

2-308. Utilities. No street trees other than those species included on the small trees species list described in § 2-305 may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility.

2-309. Public tree care. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary

to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

2-310. Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section. The Clinton Utilities Board and its designated representative in tree topping shall be exempt from this section.

2-311. Removal of stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

2-312. Violations and penalty. The violation of any provision of this chapter is declared to be a misdemeanor.