

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. RECREATION COMMISSION.
2. REPEALED.
3. TOURIST AND COMMUNITY DEVELOPMENT COMMISSION.
4. HISTORIC ZONING COMMISSION.
5. WATER AND SEWER COMMISSION.

CHAPTER 1**RECREATION COMMISSION****SECTION**

- 2-101. Creation and function.
- 2-102. Membership and compensation.
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- 2-105. General powers.
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2-101. Creation and function. A supervisory commission to be designated "Recreation Commission of the City of Manchester" is hereby created. This commission shall have general supervision, management and control of all public playgrounds, athletic fields, recreation centers, and other recreation facilities and activities on any of the properties owned or controlled by the city and on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. (1972 Code, § 1-1001)

2-102. Membership and compensation. The recreation commission shall be composed of seven (7) members. One (1) of the members shall be a member of the board of mayor and aldermen of the City of Manchester, and shall be selected by the board of mayor and aldermen, and shall serve a one (1) year term beginning and ending on the first Tuesday in September of each year. The other five (5) members of the recreation commission shall be appointed by the board of mayor and aldermen and their term of office shall be for five (5)

years or until their successors are appointed and qualified, with one member being appointed annually for each of the five (5) years.

No person shall be eligible for membership on the recreation commission unless he/she is twenty-one (21) years of age and has resided in the State of Tennessee for one (1) year and the City of Manchester for six (6) months next preceding the day of their appointment or, in lieu of residency in the city, an owner of property located within the city limits of Manchester, Tennessee. The seat of any recreation commission member shall immediately become vacant upon such member ceasing to reside and/or own property within the City of Manchester, Tennessee.

The members of the recreation commission shall serve without compensation. (1972 Code, § 1-1002, as amended by Ord. #1284, Oct. 2010, and Ord. #1543, Dec. 2017)

2-103. Meetings, quorum, votes required for action, organization, and minutes. Meetings of the recreation commission shall be held at least once a month and at such other times as the members of the commission may determine.

No meeting of the commission shall be held unless a majority of the members are present. All acts of the commission shall be by a majority vote of those present.

At the first regular meeting of the commission following the members' appointment, they shall meet and organize by electing one of their members chairman, another member, as secretary, and such other officers as may be necessary.

The secretary of the commission shall keep minutes of all its meetings. At each regular meeting the minutes of the last regular meeting of the commission and subsequent special meetings shall be read unless dispensed with by unanimous vote. The minutes of the commission, its by-laws, rules and regulations shall be kept in the minute book which shall remain in the custody of the secretary, or at such other place as the commission may direct. It shall at all times be subject to inspection by any commission member or any member of the board of mayor and aldermen. (1972 Code, § 1-1003)

2-104. Removal of members; duties of city attorney. Any recreation commission member may be removed from office by the board of mayor and aldermen for permanent disability or malfeasance, misfeasance or nonfeasance, or for conduct that materially impairs his usefulness as a commission member.

The city attorney shall represent and act for the commission in all legal matters and shall attend commission meetings if required. (1972 Code, § 1-1004)

2-105. General powers. The recreation facilities shall be operated for the benefit of the city and its residents subject to the obligations and contracts

heretofore or hereafter made by the City of Manchester with the firms or persons to whom obligations have or shall be incurred.

Subject to such contracts and the city charter and ordinances, the commission determines the method for operating all recreation facilities and activities and the business pertaining thereto, may change it from time to time, and may impose such duties upon, and delegate such authority to the commission employees and to the city attorney as it may deem advisable. (1972 Code, § 1-1005)

2-106. Finances, reports, and insurance. Annually the recreation commission shall submit a detailed and comprehensive budget to the board of mayor and aldermen for their approval. This budget shall become a part of and be included in the budget of the city. The recreation commission budget shall be submitted not later than the first day of June of each year.

The commission may also solicit or receive gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes.

Each calendar quarter the commission shall file with the board of mayor and aldermen a financial report of income, expenditures and operations of the commission.

The commission shall file with the board of mayor and aldermen an annual report of the complete fiscal affairs of the commission and shall also file a report of the operations of the recreation commission and its activities for the preceding year.

In behalf of the city, the commission shall purchase such insurance, in connection with the properties, assets, and operation of recreational activities, as the commission shall deem adequate to protect and indemnify the city against loss, damage and liability.

The commission shall purchase no insurance without first conferring with the board of mayor and aldermen in an effort to have the placing of such insurance accord with such plans or policy as the board of mayor and aldermen may adopt for the placing of all insurance in the city's behalf.

The commission shall make no expenditures nor incur any indebtedness unless the same has been previously submitted in the commission's annual budget and approved by the board of mayor and aldermen. No employee of the commission and no one engaged by the commission shall have authority to make any purchase or to contract indebtedness unless specifically authorized so to do by the commission.

All expenditures of funds for maintenance and operations by the recreation commission shall be made by warrants signed by the chairman of the commission and directed to the finance director.

All income of the commission shall be deposited in a bank designated by the board of mayor and aldermen. The deposits shall be to the credit of the city

in a special account as follows: "Recreation Commission of the City of Manchester, Tennessee." (1972 Code, § 1-1006, as amended by Ord. #808, Jan. 1998)

2-107. Capital improvements projects. Improvements made to recreational facilities, and funded by means other than the City of Manchester cannot later be classified as a capital improvement project for the purpose of reimbursing the person or group that initially funded the project when it was built. (1972 Code, § 1-1007)

CHAPTER 2

REPEALED

(as repealed by Ord. #1544, Dec. 2018 *Ch20_5-7-19*)

CHAPTER 3

TOURIST AND COMMUNITY DEVELOPMENT COMMISSION

SECTION

- 2-301. Creation and function.
- 2-302. Membership and compensation.
- 2-303. Meetings and organization.
- 2-304. Voting quorum number needed to transact business.
- 2-305. Minutes.
- 2-306. Bylaws, rules and regulations.
- 2-307. Removal of commissioners, commission's office and duties of city attorney.
- 2-308. General powers.
- 2-309. Fiscal responsibilities.

2-301. Creation and function. A commission to be designated the "tourist and community development commission" is hereby created. The commission shall be charged with the responsibility to promote the growth of Manchester, Tennessee in tourism and community development through the generation and use of the various avenues of advertising and other promotional media. (1972 Code, § 1-1601)

2-302. Membership and compensation. The tourist and community development commission shall be composed of six (6) members.

No person shall be eligible for membership on the tourist and community development commission unless he is twenty-one (21) years of age and has resided in the State of Tennessee for one (1) year and in the City of Manchester for six (6) months next preceding his membership, or in lieu of residency, is a resident of Coffee County, Tennessee and a property owner within the city limits of Manchester, Tennessee.

One (1) member of the tourist and community development commission shall be a current member of the board of mayor and aldermen, appointed by the board annually in September. The other five (5) members of the tourist and community development commission shall be appointed by the board of mayor and aldermen for terms of five (5) years or until their successors are appointed or qualified. Two (2) of those members shall be members of the Manchester Area Chamber of Commerce to which the requirement of residency shall not apply; and the remaining three (3) members shall meet the eligibility requirements set forth in paragraph two, who are neither members of the board of mayor and aldermen nor members of the Executive Committee of the Manchester Area Chamber of Commerce. The membership and terms of the first five (5) year commission shall be determined immediately after the passage of this section.

The members of the tourist and community development commission shall serve without compensation; except however, any member shall be entitled to reimbursement of actual expenses incurred in the transaction of any business or promotional service performed for the tourist and community development commission provided the commission validates the claim for reimbursement in the manner hereinafter set out for the payment of bills.

Membership terms shall begin and end on the first Tuesday of September, unless terminated sooner by the death or resignation of a member from either the board of mayor and aldermen or the Manchester Area Chamber of Commerce or by the member being unable to comply with the residence requirements hereinbefore set out. (1972 Code, § 1-1602, as amended by Ord. #1405, Feb. 2014)

2-303. Meetings and organization. Meetings of the tourist and community development commission shall be held on the fourth Monday of each month at 5:00 P.M. and such additional times as may be determined by the commission. Any additional meetings shall be held only after due public notice to the local communication media.

Special meetings of the commission may be called by the chairman, or in his absence or disability the vice chairman or by any other two (2) members of the commission, provided that due and sufficient notification has been given to all members by telephone or actual service. Due and sufficient notice shall be deemed not less than twenty-four (24) hours in advance of the scheduled meeting and the form of notice shall state the time, place and purpose of the meeting.

Officers shall be elected annually by the commission from its own members and shall be composed of a chairman, a vice chairman and a secretary to serve until the following regular meeting in June. In the event a serving officer resigns or the office is otherwise vacated during his term of office, then the chairman, the vice chairman or the other four (4) members of the commission collectively may call a meeting of the commission for the purpose of election of officers if the call for the meeting is presented to each member by mailing, phoning or hand carrying it to them at least seventy-two (72) hours in advance of that meeting and specifically designating the time and place of such election. (1972 Code, § 1-1603, as amended by Ord. #1046, Oct. 2003, Ord. #1119, Oct. 2005, and Ord. #1271, June 2010)

2-304. Voting quorum number needed to transact business. No meeting of the commission shall be held unless four (4) members are present, which shall be deemed to create a quorum. All acts of the commission shall be by the affirmative vote of at least four (4) of the members. The chairman shall have the privilege of voting as do other members of the commission. (1972 Code, § 1-1604)

2-305. Minutes. The secretary of the commission shall keep minutes of all meetings, and at each subsequent meeting, whether regular or called, the minutes of the preceding meeting shall be read in the hearing of all members present, after which corrections or additions may be made prior to approval of those minutes by the commission. The minutes of all regular and special meetings shall be kept at the regular office of the commission and open to public inspection during regular office hours. A reproduced copy of all minutes of the commission shall be filed with the finance director's office of the City of Manchester and with the president of the Manchester Area Chamber of Commerce. (1972 Code, § 1-1605, as amended by Ord. #808, Jan. 1998)

2-306. Bylaws, rules and regulations. The commission may from time to time adopt such bylaws, rules and regulations as it may consider advisable provided, however, that no bylaw, rule or regulation may be enacted that would conflict in any manner with any paragraph of this chapter or with the charter of the City of Manchester, Tennessee. (1972 Code, § 1-1606)

2-307. Removal of commissioners, commission's office and duties of city attorney. Upon written charges being filed with the finance director by any member of the board of mayor and aldermen or any member of the Manchester Tourist and Community Development Commission a commission member may be removed from office by a majority vote of the board of mayor and aldermen if it determines that the member is guilty of incompetency, neglect, disregard of duty or any other conduct showing unfitness for public service.

The board of mayor and aldermen, with the approval of the commission, shall provide an office and storage space for the proper operation of the commission.

The city attorney shall represent and act for the commission in all legal matters and shall attend commission meetings, if required. (1972 Code, § 1-1607, as amended by Ord. #808, Jan. 1998)

2-308. General powers. The tourist and community development commission shall be operated to promote tourism and community development within the City of Manchester. It may enter into agreements with other organizations, such as the Manchester Area Chamber of Commerce, non-profit or for-profit organizations, to promote specific projects; fund or partially fund promotions or sponsor or partially sponsor activities provided that the total expended does not exceed the commission's budgeted funds. Any agreement with a for-profit organization or which exceeds a cumulative total of five hundred dollars (\$500.00) must be approved by resolution of the board of mayor and aldermen.

The commission may enter into an agreement or agreements with the Manchester Area Chamber of Commerce to secure the services of the chamber

of commerce to respond to inquiries concerning tourism and community development; distribute literature to those requesting same; compile data and fund or partially fund the memberships in the chamber of commerce for businesses during the first year they are located within the city limits of Manchester. Any such agreement must be approved by the city attorney and by resolution of the board of mayor and aldermen.

The commission is prohibited from:

- (1) Entering into any employment agreement or agreement to subsidize the employment of any person;
- (2) Directing the hiring or contracting with a specific person or group;
- (3) Entering into a lease or rental agreement to rent or subsidize the rent of any premises; however, this shall not prohibit the rental or contribution to the rental of advertising space or billboards; or
- (4) Enter into any agreement that attempts to obligate any funds beyond those budgeted for the current fiscal year.

Any purchase of advertising must be reported to the board of mayor and aldermen, in writing, before the advertising appears in the public domain.

The commission shall provide to the board of mayor and aldermen a quarterly report of all disbursements to the chamber of commerce over five hundred dollars (\$500.00), individually or cumulatively, with the reason listed therefore. (1972 Code, § 1-1608, as replaced by Ord. #1503, Oct. 2016)

2-309. Fiscal responsibilities. Annually the Manchester Tourist and Community Development Commission, whether acting individually or in participation with the Manchester Area Chamber of Commerce, shall submit a detailed and comprehensive budget to the board of mayor and aldermen for their approval. This budget shall become a part of and be included in the budget of the city. The Manchester Tourist and Community Development Commission budget shall be submitted no later than the first day of June of each year.

Each calendar quarter, the commission shall file with the board of mayor and aldermen a financial report of income expenditures and operations of the commission. The commission shall file with the board of mayor and aldermen an annual report of the complete fiscal affairs of the commission and shall also file a report of the operations of the Manchester Tourist and Community Development Commission and its activities for the preceding year.

The commission shall make no expenditures nor incur any indebtedness unless the same has been previously submitted in the commission's annual budget and approved by the board of mayor and aldermen. No employee of the commission and no one engaged by the commission shall have authority to make any purchases or to contract indebtedness unless specifically authorized to do so by the commission.

Any income of the commission shall be deposited in a bank account designated by the board of mayor and aldermen. The deposit shall be to the

credit of the city in a special account known as "Manchester Tourist and Community Development Commission."

In accordance with § 11 of the charter of the City of Manchester, Tennessee the finance director shall be responsible for all the financial and funding activities of the commission and shall make all disbursements from the "Manchester Tourist and Community Development Commission" checking account, with the counter-signature of the Mayor of Manchester, Tennessee, and only then after being requested to make such disbursements in writing and signed by the Chairman of the Manchester Tourist and Community Development Commission and with approval of the majority of the board of mayor and aldermen. (1972 Code, § 1-1609, as amended by Ord. #808, Jan. 1998)

CHAPTER 4

HISTORIC ZONING COMMISSION

SECTION

- 2-401. Creation of a historic zoning commission.
- 2-402. Membership on the historic zoning commission.
- 2-403. Appointment to the historic zoning commission.
- 2-404. Term of appointment, removal and vacancies.
- 2-405. Election of officers, rules and meetings.
- 2-406. Conflict of interest.
- 2-407. Powers and duties of the historic zoning commission.
- 2-408. Additional powers and duties of the historic zoning commission.
- 2-409. Right of entry upon land.
- 2-410. Authority to designate historic district or zone.
- 2-411. Liability of historic zoning commission members.

2-401. Creation of a historic zoning commission; regional historic zoning commission. The local legislative body shall create a historic zoning commission of no less than five (5) and no more than nine (9) members which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder shall be from the community in general. The historic zoning commission shall be appointed by the chief executive of the county or municipality, subject to confirmation by the local legislative body. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with the provisions of this part. (1972 Code, § 1-1701, as replaced by Ord. #1224, March 2009, and amended by Ord. #1288, Nov. 2010)

2-402. Membership on the historic zoning commission. Membership on the historic zoning commission shall be composed of the following members:

- (1) One (1) member of the Manchester Regional Planning Commission at the time of his appointment;
- (2) A representative of a local patriotic or historical organization;
- (3) An architect, if available; and
- (4) A member of the Board of Mayor and Alderman of the City of Manchester;

(5) A majority of the remaining members shall be residents or electors of the City of Manchester, Tennessee. (1972 Code, § 1-1702, as amended by Ord. #1224, March 2009, Ord. #1288, Nov. 2010, and Ord. #1522, April 2017)

2-403. Appointment to the historic zoning commission. Members of the historic zoning commission shall be appointed by the mayor, subject to confirmation by the city council on the first Tuesday in September as current terms expire. (1972 Code, § 1-1703)

2-404. Term of appointment, removal and vacancies. The terms of all the members shall be five (5) years and shall be staggered so that the term of at least one (1) member but not more than two (2) members shall expire each year.

The terms of the two (2) additional members created hereby shall expire in 2010; that the terms of the seats currently held by Terri Buckner and Jess Lewis shall expire in 2011; that the seats currently held by Max Northcutt and Evans Baird shall expire in 2012; that the seats currently held by Kenny Sadler and Jim Cavendish expire in 2013 and the seat currently held by Gene Holmes expire in 2014.

All members shall serve without compensation and may be removed from membership by the appointing authority for just cause. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the city council.

Vacancies on the historic zoning commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. (1972 Code, § 1-1704, as amended by Ord. #1224, March 2009)

2-405. Election of officers, rules and meetings. The historic zoning commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. A majority of the membership of the commission shall constitute a quorum for the transaction of its business. The concurring vote of five (5) members of the commission shall constitute final action of the commission on any matter before it. (1972 Code, § 1-1705, as amended by Ord. #1288, Nov. 2010)

2-406. Conflict of interest. Any member of the historic zoning commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic commission in connection therewith. (1972 Code, § 1-1706)

2-407. Powers and duties of the historic zoning commission. The historic zoning commission may submit and it shall review applications for amendments to this chapter designating historic sites or buildings for special historic districts. Such application shall be based upon at least the following criteria:

- (1) Historical and cultural significance;
- (2) Suitability for preservation;
- (3) Educational value; and
- (4) Cost of acquisition by City of Manchester, restoration, maintenance and repair, as applicable. (1972 Code, § 1-1707)

2-408. Additional powers and duties of the historic zoning commission. It shall be the duty of the historic zoning commission to make the following determination with respect to the historic district:

(1) Appropriateness of altering or demolishing any building or structure within the historic district. The commission may require interior and exterior photographs architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure.

(2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.

(3) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.

(4) The general exterior design, arrangement, texture, material, color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic zoning commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings. (1972 Code, § 1-1708)

2-409. Right of entry upon land. The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this chapter, but there shall be no right of entry into any building without the consent of the owner. (1972 Code, § 1-1709)

2-410. Authority to designate historic district or zone. As provided in Tennessee Code Annotated, § 13-7-405 the historic zoning commission may recommend to the board of mayor and aldermen any areas deemed suitable to become a "historic district or zone" or "historic zoning overlap" as defined by

Tennessee Code Annotated, § 13-7-404. Said areas shall receive such designation only upon ordinance properly enacted by the board of mayor and aldermen. (as added by Ord. #1288, Nov. 2010)

2-411. Liability of historic zoning commission members. Any historic zoning commission member acting within the powers granted by the chapter is relieved from all personal liability for any damage and shall be held harmless by the City of Manchester. Any suit brought against any member of the commission shall be defined by a legal representative furnished by the City of Manchester until the final termination of the procedure. (1972 Code, § 1-1710, as renumbered by Ord. #1288, Nov. 2010)

CHAPTER 5

WATER AND SEWER COMMISSION

SECTION

2-501. Water and sewer commission created.

2-502. Membership of the commission.

2-503. Meetings, organization, quorum, minutes, and bylaws of the commission.

2-504. Removal of commissioners, commission office facilities, duties of city attorney.

2-505. General powers of the commission.

2-506. General duties of the commission.

2-501. Water and sewer commission created. There shall be a commission designated as the Manchester Water and Sewer Commission to be appointed by the board of mayor and aldermen. The commission shall have planning, scheduling, inspection, monitoring, and maintaining responsibilities for the city's water pumping plant, sewage disposal plant, distribution systems, additions, extensions, and improvements thereto and for the purchase of equipment, pumping, purification, distribution, and sale of water and furnishing of sewer services to the extent and in the manner as set forth in this chapter. The commission shall be composed of planning and operations sections. The operations section shall be designated as the water and sewer department. The commission, with the approval of the board of mayor and aldermen, shall designate a manager of the water and sewer department. He shall have the duties of general supervision of the operations. (1972 Code, § 13-101)

2-502. Membership of the commission. (1) Number. The water and sewer commission shall be composed of seven members. One commission member shall be a member of the Board of Mayor and Aldermen of the City of Manchester, Tennessee, to be appointed by the mayor and confirmed by the board of aldermen. The additional member shall be appointed immediately to serve a term until September 2013, after which time the term of seventh member shall be a five-year term.

(2) Eligibility. No person shall be eligible to membership on the commission unless he has been a citizen of the State of Tennessee for one (1) year and of the city for six (6) months preceding the day of his appointment, is at least twenty-one (21) years of age, and is a property owner in the City of Manchester, Tennessee.

(3) Compensation. No commissioner shall receive any compensation, but shall be reimbursed for actual expenses incurred by reason of travel on business of the commission.

(4) Election of commissioners and terms of office. At its first regular board meeting in September, the board of mayor and aldermen shall elect one (1) member of the commission to serve for a period of five (5) years.

In September, 1995, when the terms of two (2) members of the commission expire, the board of mayor and aldermen shall replace one commissioner by an appointment to a two year term and the other commissioner by an appointment to a three year term to expire in the years 1997 and 1998 respectively. In September, 1996, when the terms of the three remaining members of the commission expire, the board of mayor and aldermen shall replace one commissioner by an appointment to a three year term, the second commissioner by an appointment to a four year term and the third commissioner by an appointment to a five year term, expiring in the years 1999, 2000 and 2001, respectively. As each of the shorter appointments expire in the years 1997 through 2001, the successor shall be appointed for a full five year term. Two members of the commission shall be elected in 2013 and every five years thereafter.

Each commission member's term of office shall begin at the time of his election. If the election is not held as provided herein, it may be held at any regular meeting of the board of mayor and aldermen thereafter or at any special meeting if notice be given in the call therefor. Members of the commission shall continue in office until their successors are elected. If any member shall resign from, or cease to be a member of the commission before the expiration of his term, the board of mayor and aldermen shall elect a new member to serve for such member's unexpired term.

(5) Member from board of mayor and aldermen. One member of the board of mayor and aldermen shall be a member of the water and sewer commission and shall have a vote as do other commissioners. He may serve as chairman of the water and sewer commission and shall attend all meetings, report to the board of mayor and aldermen of the proceedings, status, and conduct of the affairs and business of the commission.

The member of the board of mayor and aldermen appointed to serve as a member of the water and sewer commission shall serve from the first meeting of the board of mayor aldermen in September of each year when he or she is appointed until the first meeting in September of the following year or until his or her successor is appointed and qualifies. (1972 Code, § 13-102, as amended by Ord. #1208, Oct. 2008)

2-503. Meetings, organization, quorum, minutes, and bylaws of the commission. (1) Meetings. The meetings of the water and sewer commission shall be held on the first Thursday following the board of mayor and aldermen's meeting on the first Tuesday of each month at the city hall, or at such time and place as the commission may determine.

Special meetings of the commission may be called by the chairman, or in his absence or disability, by the vice-chairman or by any three (3) members of the commission provided written notice is delivered to each member of the commission twelve (12) hours in advance of any such meeting. The notice shall state the time, place, and purpose of the meeting. Any member may waive such notice by signing and filing with the secretary a statement to that effect.

(2) Election of chairman, vice-chairman and secretary. Annually, from its own members, the commission shall elect a chairman, vice-chairman and secretary to serve a period of one (1) year. In the absence of the chairman, the vice-chairman or any four (4) members of the commission may call a meeting at any time for the election of the officers of the commission by mailing, telephoning, or hand carrying to each member of the commission, seventy-two (72) hours in advance of such meeting, a notice of the time and place of such election.

(3) Number needed to transact business. No meeting of the commission shall be held unless a majority of the members are present. All acts of the commission shall be by an affirmative vote of at least four (4) members.

(4) Minutes. The secretary of the commission shall keep minutes of all commission meetings. At each regular meeting, the minutes of the last regular meeting of the commission and subsequent special meetings shall be read unless dispensed with by a unanimous vote.

The minutes of the commission, its bylaws, rules, and regulations shall be kept in a minute book which shall remain in the office of the water and sewer commission, or in the office of the finance director. It shall be at all times subject to inspection by any commission member, any member of the board of mayor and aldermen, or by any member of the public in general.

(5) Bylaws, etc. The commission may from time to time adopt such bylaws, rules, and regulations as it may consider advisable. (1972 Code, § 13-103, as amended by Ord. #808, Jan. 1998)

2-504. Removal of commissioners, commission office facilities, duties of city attorney. (1) Removal of commission members. On charges filed by a majority vote of the board of mayor and aldermen or any member thereof, or by a majority vote of the water and sewer commission or by any member thereof, a member of the water and sewer commission may be removed by an affirmative vote of four (4) members of the board of mayor and aldermen for incompetency, neglect, disregard of duty, or other misconduct showing unfitness for public service. All charges shall be in writing. The board of mayor and aldermen shall make or direct such investigation as it may consider necessary and determine whether it will conduct a hearing upon the charges or any part thereof. In the event a hearing is decided upon, a copy of the charges or any part thereof to be considered at the hearing shall be delivered to or mailed to the commission member or members against whom they have been filed, together with notice of the time and place for the hearing, which shall not be less than five (5) days from the delivery or mailing or such charges to the accused member. The hearing shall be public. The accused shall have the right to appear and defend in person or by counsel, and shall have process of the mayor and aldermen to compel the attendance of witnesses in his behalf. The vote of the board of mayor and aldermen shall be determined by yeas and nays and the names of members voting for or against such removal shall be included

in the minutes. Immediately upon a vote in favor of removal, the term of the accused shall expire.

(2) Office, etc. The board of mayor and aldermen, with the approval of the commission, shall provide offices, storage space, and other premises necessary for the proper operation of the commission.

(3) Duties of city attorney. The city attorney shall represent and act for the water and sewer commission in all legal matters and shall attend the commission meetings if requested. (1972 Code, § 13-104)

2-505. General powers of the commission. (1) Subject to the direction and contracts of the board of mayor and aldermen. The water and sewer systems shall be operated for the benefit of City of Manchester, subject to the direction and contracts heretofore or hereafter made by the City of Manchester with the people to whom the water and sewer bonds were or are sold, and also subject to such other contracts as are needed.

(2) System of operation. Subject to such contracts and to the city charter and ordinances and also to the direction of the board of mayor and aldermen, the commission shall determine the method for operating such systems, and the business pertaining thereto, may change it from time to time, and may impose such duties upon and delegate such authority to the employees of the department and to the city attorney as it deems advisable.

(3) Classified employees. The commission shall make recommendations to the board of mayor and aldermen for the hiring of executives, engineers, or other professional employees who need to be engaged or employed in such manner as the commission shall from time to time determine, the salaries or commissions of classified employees will be determined by the commission, with approval from the board of mayor and aldermen.

(4) Rates to be changed. The commission shall not have the right to determine rates for the sale of water and furnishing of sewer services; however, it may from time to time as it deems expedient recommend to the board of mayor and aldermen the amendment of the then existing rates for the sale of water and the furnishing of sewer services.

(5) Fiscal responsibility. In accordance with § 11 of the Charter of the City of Manchester, Tennessee, the finance director shall be responsible for all financial and fund activities of the Manchester Water Department. The finance director shall receive revenues, have custody of all funds, and make all disbursements for the Manchester Water Department. (1972 Code, § 13-105, as amended by Ord. #808, 1998)

2-506. General duties of the commission. (1) Quarterly reports to the board of mayor and aldermen. Each quarter, the commission shall file with the board of mayor and aldermen a copy of the water and sewer department's latest receipts and expenditures, a copy of its monthly statistical report, a summary of its financial condition, and a general outline of the physical

capability and conditions of the system, extensions, work performed, number of tie-ins, and any and all future plans and/or planning.

(2) Annual report and budget to be filed with the board of mayor and aldermen. When its annual audit has been completed, the commission shall file with the board of mayor and aldermen, a copy of the audit report signed by the accountant who made it, and shall also file with the board of mayor and aldermen a complete report of the operations of the department for the preceding year.

The commission shall, on or before the 1st day of June of each year, file a statement of anticipated revenues and their sources and a complete and itemized budget for the coming fiscal year of the water and sewer department. The budget shall be subject to the approval of the board of mayor and aldermen.

(3) Surety bonds. For the faithful performance of their duties and to protect and indemnify the city against loss occasioned by any wrongful act on their part, the treasurer and clerk of the commission shall furnish surety bonds as required by the city in such form and with such corporate surety as may be acceptable to the city. The premiums for such bonds shall be paid by the commission and charged against such accounts as it may determine.

(4) Insurance. The commission shall recommend to the city the purchase of such insurance as it considers advisable to adequately protect and indemnify the city against loss or damage to property, to the system or that may result from its operation.

The commission shall cooperate with the board of mayor and aldermen to effect such insurance economically and shall confer with the insurance committee of the board as to the placing of such insurance in an effort to have it accord with the plans that the board may adopt for the placing of all insurance in the city's behalf.

(5) Depositing collections. All collections shall be deposited each day in a bank designated by the city and shall be deposited to the credit of the city in a special account or accounts, as follows: "Department of Water and Sewers of the City of Manchester," or some other similar designation, or it may separate the funds and deposit the revenues from the sale of water in one account and the revenues from furnishing sewer service in another account, but any deposit shall show that such funds belong to the City of Manchester. (1972 Code, § 13-106)