

CHARTER OF THE TOWN OF TRIMBLE, TENNESSEE¹

CHAPTER NO. 88

HOUSE BILL NO. 1661

By Representative Ronnie Cole

Substituted for: Senate Bill No. 1649

By Senator Hamilton

AN ACT to provide a new charter for the Town of Trimble continuing the corporate existence and to repeal Chapter 62 of the Private Acts of 1973, as amended by Chapter 339 of the Private Acts of 1982, and Chapter 175 of the Private Acts of 1986, and all other acts amendatory thereto.

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Priv. Acts 1993, ch. 88, is the current basic charter act for the Town of Trimble, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other 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 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:

ARTICLE I

CHARTER, DEFINITIONS, TOWN LIMITS AND CORPORATE POWERS

SECTION 1.01. Body politic, corporate powers, name and general powers, etc. This act is a charter. This act constitutes the whole charter of the Town of Trimble, Tennessee, repealing and replacing the charter provided by Chapter 62 of the Private Acts of 1973, as amended by Chapter 339 of the Private Acts of 1982, Chapter 175 of the Private Acts of 1986 and all other acts amendatory thereto. The Town of Trimble located in the County of Dyer and that portion of the Eleventh Civil District of Obion County which lies between the city limits of the Town of Trimble described in Chapter 660, Section 2, Private Acts of 1949, and the inhabitants thereof shall continue, and are hereby constituted and declared a body politic and corporate by the name and style of Trimble, Tennessee, and by that name 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.

Section 1.02. Definitions. As used in this charter the following words and terms shall have the following meanings:

- (a) "Town" means the Town of Trimble, Tennessee.
- (b) "Board of Mayor and Aldermen" means the legislative body of the town, which shall be composed of the mayor and aldermen, elected as provided in this charter, and any incumbent aldermen, until the expiration of their current term of office.
- (c) "Alderman" and "member of the board" means a person elected to the office of Alderman as provided in this charter.
- (d) "Nonpartisan" means without designation of candidates as members or candidates of any state or national political party or organization.
- (e) "At large" means the entire town, as distinguished from representation by wards or districts.
- (f) "Code" means any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.
- (g) "Elector" means a qualified voter residing within the town or a person owning real property inside the town limits who is a resident of the State of Tennessee, and a qualified voter in the county of residence, and who has registered with the election commission of the county in which the property may lie for the purpose of voting in town elections.
- (h) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Section 1.03. Town Limits. The boundaries of the town shall be those fixed by Chapter 401, Acts of 1905, all acts amendatory thereof, and annexations made pursuant to general law.

Section 1.04. Corporate powers. The town shall have the power:

(a) To assess property for taxation, and 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 towns by the constitution or general law of the state of Tennessee. A collection fee of ten dollars (\$10.00) may be added to each such privilege tax.

(c) To levy and collect registration fees on motor vehicles operated within the town. 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 town, 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 town.

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty (20) 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 matter. Provided, however, this paragraph shall not affect existing contracts or franchises.

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public buildings, libraries, sewers, drains, sewage treatment plants, forests, trees and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites, and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; and other public improvements, inside or outside the town; and to regulate the use thereof; and for such purposes property may be either acquired or taken under Section 7-31-107 through 7-31-111 and Title 29, Chapters 16 and 17, Tennessee Code Annotated, or under other applicable laws.

(h) To require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of snow, debris or other materials.

(i) To make regulations to secure the general health 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 town shall have the power to abate and remove nuisances at the expense of 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.

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

(k) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the cases of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts. The board of mayor and aldermen by ordinance may prescribe penalties and interest for delinquency.

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

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

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

(o) 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.

(p) To regulate and license vehicles operated for hire in the town, 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.

(q) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty or forfeiture not to exceed fifty dollars (\$50.00) and costs.

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

(s) To dispatch fire equipment within and without the corporate limits, provided that the board shall prescribe by ordinance rules for dispatching and operating fire equipment outside the corporate limits.

(t) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, and all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully 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 towns by the constitution or general laws of the state.

ARTICLE II

BOARD OF MAYOR AND ALDERMEN

Section 2.01. Election of mayor and aldermen.

(a) Beginning in the year 2016, a non-partisan election shall be conducted during the November general election and at four (4) year intervals thereafter by the Dyer County Election Commission under the general election laws of the state to elect a mayor and five (5) aldermen from the town at large. Any elector who has been a resident of the town for one (1) year may be qualified as a candidate by a nominating petition submitted to the Dyer County Election Commission not less than thirty (30) days prior to the election signed by at least twenty-five (25) electors.

(b) The nominating petition shall be on form acceptable to the Dyer County Election Commission.

(c) Persons nominated may withdraw their nominations by written notice to the county commissioners of elections not later than twenty-five (25) days before the election. Names of candidates shall be listed alphabetically on

the ballot; the residence addresses of candidates having the same or substantially similar surnames shall also be printed on the ballot.

(d) Each elector shall be entitled to vote for one (1) candidate for mayor and five (5) candidates for aldermen in the election referred to in Section 2.01, subsection (a), and in each succeeding election at four (4) year intervals on the date of the regular November state and county-wide elections. The term of office of the mayor and city aldermen shall begin on the first Monday of December after the election at seven o'clock p.m. (7:00 p.m.) local time and they shall serve for a period of four (4) years until their successors have been elected and qualified. No informality shall invalidate such an election, provided it is conducted fairly and in substantial conformity with the requirements of this charter and the general election laws of this state. [As amended by Priv. Acts 1999, ch. 2, §§ 1 and 2; and replaced by Priv. Acts 2016, ch. 58]

Section 2.02. Restrictions on candidates and their supporters. Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, shall be deemed to be a violation of Tennessee Code Annotated, Section 2-19-121, and any person convicted thereof shall be ineligible to hold an office or position of employment in the town government for a period of five (5) years.

Section 2.03. Board of mayor and aldermen. (a) The mayor and five (5) aldermen elected under this charter shall compose the town board, in which is vested all corporate, legislative and other powers of the town, except as otherwise provided in this charter.

(b) The salary of all elected and appointed officials and employees shall be set by ordinance. Officials and employees shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The board shall meet regularly at least once every month at the times and places prescribed by ordinance. The board shall meet in special session on verbal notice of the mayor or any two (2) aldermen and served on the other members of the board personally at least twelve (12) hours before the meeting. Informal meetings of the board may be held for the purpose of receiving information, exchanging ideas, and conducting investigations; provided, however, there shall be no official action taken by the board in such meetings. The board shall exercise its powers only in public meetings.

(d) The mayor and three (3) aldermen constitute a quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The board may by ordinance adopt rules and bylaws 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.

Section 2.04. Mayor as presiding officer. The mayor shall preside at all meetings of the board, and shall not vote, but shall have veto power, and if the mayor refuses to approve an ordinance or resolution, the mayor shall return same to the aldermen at its next meeting, with the mayor's reasons stated in writing for the refusal, and the ordinance or resolution shall not become binding unless the aldermen, by the affirmative vote of five (5) members, shall pass the same, notwithstanding the mayor's veto, but if the mayor does not veto the ordinance or resolution, as provided, within ten (10) days, it shall be valid and enforceable. The mayor shall be recognized as the ceremonial head of the town. The mayor shall be the officer to accept process against the town, and shall perform other duties imposed by this charter and by ordinances not inconsistent with the charter.

Section 2.05. Vice-mayor. The board, at the first regular meeting after the newly elected board members have taken office following the biennial election, shall elect from its membership a vice-mayor for a term of two (2) years. The vice-mayor shall perform the duties of the mayor during his absence or inability to act, and shall fill out any unexpired term in the office of the mayor. If the vice-mayor becomes mayor, an alderman shall be selected by majority vote of the board to serve the unexpired term as vice-mayor.

Section 2.06. Vacancy in the office of mayor or alderman. A vacancy shall exist if the mayor or an alderman resigns, dies, moves his residence from the town, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the state, or a crime involving moral turpitude, fails to attend any meetings of the board for a period ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office; the board shall by resolution declare a vacancy to exist for any of these reasons, and such finding shall be final.

Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the town for a period of ten (10) years thereafter.

The remaining board shall appoint a qualified person to fill a vacancy in the officer of alderman for the remainder of the unexpired term. If the vacancy is not so filled within fifteen (15) days, the mayor shall appoint a qualified person to fill the vacancy.

Section 2.07. Restrictions on board members. The board shall act in all matters as a body, and no member shall seek individually to influence the official acts of the mayor or any other official or employee of the town, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by the mayor or any other officer or employee. The board shall deal with the various agencies, officers and employees of the town, except boards or commissions authorized by this charter, 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 operations of the town government and the conduct of the town's affairs at it may deem necessary. The office of any board member violating any provisions of this section shall immediately become vacant upon conviction in a court of competent jurisdiction.

Section 2.08. Town legislation. (a) Any action of the board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises or contracts over one thousand dollars (\$1,000), authorizing conveyance or lease of any lands of the town, or required to be done by ordinance under this charter or the general laws of the state, shall be in written form before being introduced, and a copy shall be furnished to each member of the board in advance of the meeting at which introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of the Town of Trimble." No action of the board shall be valid or binding unless approved by the affirmative vote of a majority of a quorum of the board. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended. Every ordinance must be approved on one (1) reading, and shall become effective eleven (11) days after approval unless its terms provide a later effective date. Every ordinance, except codes adopted by reference as provided in subsection (c) below, shall be read in full. Each resolution shall be read in full one (1) time and shall become effective upon passage. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted and become effective immediately, by the affirmative votes of four (4) members of the board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

(b) The board shall have the general continuing ordinances of the town assembled into an official code of the town, a copy of which shall be kept currently up-to-date by the town recorder and shall be available to the public. After adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section 1.02(f), may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the board may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by references shall be available to the public at prices fixed by the board.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the town recorder. The title and a brief summary of each proposed ordinance shall be published in a newspaper of general circulation in the town at least three (3) days prior to its introduction.

Section 2.09. Donations to private organizations. Taxes and other town revenues are levied and collected for public purposes, and the use of such funds as donations or contributions to nongovernmental agencies or for private purposes is prohibited, but the board may contract with nongovernmental agencies for materials and services necessary to effectuate public purposes authorized by law.

ARTICLE III

ORGANIZATION AND PERSONNEL

Section 3.01. Organization of town government. The town government shall be organized into a department of finance, police department, fire department, and department of public works and utilities, unless otherwise provided by ordinance.

The board shall determine by ordinance the functions and duties of all departments and offices. The board by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the town, 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, departments, and agencies of the town, subject to the following limitations:

(a) The number of members and authority of the board, as provided in this charter, shall not be changed.

(b) All officers and employees of the town, except as otherwise specifically provided in this charter, shall be appointed and removed by and shall be under the direction and control of the mayor.

(c) The office of mayor shall not be abolished, nor shall the powers as provided in this charter be reduced.

Section 3.02. Administrative duties of mayor. The mayor shall be the executive head of the town government, responsible for the efficient and orderly administration of the affairs of the town. The mayor shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the town, and the town attorney shall take such legal actions as the mayor may direct for such purposes. He may conduct inquiries and investigations into the affairs of the town and shall have such other powers and duties as may be provided by ordinance not inconsistent with this charter.

Section 3.03. Town Recorder. A town recorder shall be appointed by the board to serve at its will and pleasure and for such compensation as it shall establish, who shall have the following powers and duties:

(a) To keep and preserve the town seal and all official records not required by law or ordinance to be filed elsewhere.

(b) To attend all meetings of the board and to maintain a journal showing the proceedings of all such meetings, the board members present and absent, each motion considered, the title of each resolution and ordinance considered, and the vote of each board member on each question. This journal shall be open to the public during regular office hours of the town, subject to reasonable restrictions exercised by the town recorder.

(c) To prepare and certify copies of official records in the recorder's office. Fees for such services may be established by ordinance, to be deposited into the town treasury.

(d) To serve as head of the department of finance if appointed to this position by the board.

(e) To perform such other duties as may be required by the board.

Section 3.04. Town attorney. The board shall appoint a town attorney, and such assistant town attorneys as may be authorized by ordinance to serve at its will and pleasure. The town attorney, or an assistant town attorney designated by him, shall be responsible for representing and defending the town in all litigation in which the town is a party; prosecuting cases in the town court; advising the board and other officers and employees of the town concerning legal aspects of their duties and responsibilities; approving as to the 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.

Section 3.05. Town court. (a) Town judge - appointment term. A town judge who shall constitute the town court may be appointed by the town board to serve at the will of the board or for a term fixed by ordinance. Said person so appointed shall possess the qualifications required of the General Sessions Judge for Dyer County. The town judge or the mayor may appoint a qualified person to preside in his absence. In the incapacity of the town judge, a disinterested, neutral person appointed by the board shall serve as town judge pro tempore, provided such person so appointed shall possess the same qualifications required of the regular town judge.

(b) Jurisdiction, powers, compensation. The jurisdiction and powers in this Section 3.05 (b) are granted only to the extent allowed by the Statutes and Constitution of the State of Tennessee. The jurisdiction of the town judge shall extend to the trial of all offenses against the ordinances of the town and cost in such trials shall be fixed by ordinance. Further, said town judge shall be vested with jurisdiction and powers concurrent with those of the General Sessions Judge for Dyer County in the trial of criminal and traffic offenses against the state. However, the town judge shall not have any jurisdiction over civil matters. The town judge shall have the power to levy fines, penalties, forfeitures, and costs, to issue all necessary process, to administer oaths, and to maintain order the same as the General Sessions Court Judge of Dyer County. The town judge may further order the incarceration of persons found guilty of offenses against the state where the law of the state so provides. Persons sentenced to incarceration by the town judge shall be remanded to the custody of the Sheriff of Dyer County for the purposes of serving their sentence in the Dyer County Jail. The town board is authorized to enter into any appropriate agreement with the Dyer County legislative body for the payment of fees by the town to the county for holding prisoners so sentenced by the town judge. The salary of the town judge shall be set by ordinance. The town court shall be entitled to the same fees in the trial of criminal cases as are allowed to the General Sessions Court of Dyer County.

(c) Fines. Fines may be paid by installments to be fixed and security determined in the town judge's discretion. Receipts of the town court shall be deposited weekly with the town recorder and the town judge shall make monthly reports thereof to the board.

(d) Docket. The town judge shall keep or cause to be kept a docket of all cases handled by him. The town recorder shall be designated clerk of the town court unless some other person shall be appointed to said position by the town board.

(e) Separation of powers. The town judge shall be the exclusive judge of the law and the facts in every case before him, and no officer or employee of

the town shall attempt to influence his decision except through pertinent facts presented in open court.

Section 3.06. Officers and employees. Only the officer and positions of employment provided for in the annual budget, as provided by the board, shall be filled. Salaries for all positions shall be in accordance with a pay plan adopted by ordinance. 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.

Section 3.07. Personnel actions. The appointment and promotion of employees of the town 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.

Unless otherwise provided by this charter, the mayor shall have authority to make appointments, promotions and transfers, and to make demotions, suspensions and removals of employees for reasonable cause, and may delegate such authority to department heads. Before removal, or suspension for more than fifteen (15) days, the board shall give an employee a written notice of intention to suspend or remove the employee, containing a clear statement of the grounds for such proposed action and notification that the employee may appeal to the town board by filing within ten (10) days with the town recorder written notice of the intention to do so. After receipt of such notice the board shall set a time and place for a public hearing on the matter, to be held within twenty (20) days thereafter. The votes of three (3) board members shall be required to override the suspension or removal, and the action of the board shall be a final determination of the matter. If a suspension is overruled by the board, any loss of salary shall be paid to the employee.

Section 3.08. Personnel rules. The board may by ordinance adopt supplementary rules and regulations governing employment by the town, not inconsistent with the provisions of this charter.

Section 3.09. Oath of Office. Before a person takes any office in the town government, the person shall subscribe to the following oath or affirmation, administered by any person authorized by law to administer oaths:

"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 Town of

Trimble, and that I will faithfully discharge the duties of the office of _____
_____."

Section 3.10. Official bonds. The mayor and every officer, agent, and employee of the town having duties embracing the receipt, disbursement, custody, or handling of money, other officers and employees designated by the board, shall give a fidelity bond or faithful performance bond, as determined by the board, with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by the board. All such bonds shall be paid by the town. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

ARTICLE IV

FISCAL ADMINISTRATION

Section 4.01. Fiscal year. The fiscal year of the town government shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year, unless otherwise provided by ordinance.

Section 4.02. Mayor to submit annual budget. Not later than forty-five (45) days before 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, each utility, and each other fund the following:

- (a) revenue and expenditures during the proceeding year;
- (b) estimated revenue and expenditures for the current fiscal year;
- (c) estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue;
- (d) a comparative statement of the cash surplus (or deficit) at the end of the proceeding year and the estimated surplus (or deficit) at the end of the current fiscal year; and
- (e) any other information and data, such as work programs and unit costs, in justification or recommended expenditures that may be considered necessary by the mayor or requested by the board.

The mayor may recommend and estimate receipts from additional revenue estimates. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the town, the

important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. A sufficient number of copies of the mayor's message shall be reproduced to furnish a copy to any person desiring one. A copy of the budget in full shall be filed with the town recorder for public inspection and a copy shall be furnished to each board member.

Section 4.03. Capital improvement budget. A capital improvement budget may also be prepared to include a description of projects recommended for the ensuing fiscal year and the five fiscal years thereafter, the estimated cost of each project, and the recommendation of the mayor for financing the projects proposed for the ensuing year. The board may accept, reject, or revise the capital improvement budget as it deems desirable.

Section 4.04. Action by board on budget. Before the beginning of the next ensuing fiscal year the board shall adopt an appropriation ordinance based on the mayor's proposed budget with such modifications as the board considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The board shall not make an appropriation in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the town declared by a vote of all members of the board. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriation for the new fiscal year subject to amendment as provided in this section. Appropriations, except emergency appropriations as provided above, may be increased during the year only after the mayor certifies in writing that sufficient amount of unappropriated revenue will be available. Any portion of an annual budget remaining unexpected and unencumbered at the close of a fiscal year shall lapse and be subject to appropriation for the following year. Any balance remaining in any fund other than the general fund at the end of a fiscal year may remain to the credit of such fund and be subject to further appropriation. At the end of each month the mayor shall submit to the board a budget report showing revenue receipts, encumbrances and expenditures for the month and for the fiscal year to the end of that month.

Section 4.05. Control of expenditures. The mayor shall be responsible for controlling maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

Section 4.06. Centralized purchasing. (a) All contracts and purchases, except those reserved to the board by ordinance, shall be made by the purchasing agent appointed by the mayor, or by the mayor acting as purchasing

agent. The purchasing agent may prescribe rules for emergency purchases to be made by department heads. Departments shall estimate their future need and requisition items so that purchases in maximum quantities may be made. The purchasing agent shall prepare standard specifications, dispose of surplus or worn out supplies and equipment and enforce such specifications, store and maintain records of materials and supplies, and maintain records of town property.

(b) Purchases or contracts of more than one thousand dollars (\$1,000) require approval of the board. All purchases and contracts are to be made in compliance with general state law, including, but not limited to:

- (1) Municipal Purchasing Laws of 1983 (TCA 6-56-301 et seq.);
- (2) Professional Service Contracts (TCA 12-4-106);
- (3) Purchase of Tort Liability Insurance (TCA 29-20-407);

(4) Purchases through State Department of General Services and from Other Units of Government (TCA 12-3-1001).

Section 4.07. Unauthorized contact on expenditure. Any contract or agreement made in violation of the provisions of this charter or ordinances of the town 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 of their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the town for the full amount so paid or received. A violation of this section by any officer or any employee is cause for removal.

Section 4.08. Sale of town property. The purchasing agent or mayor may sell town property which is obsolete, surplus or unusable by sealed bids or at public auction after public advertisement; provided, however, any sale for more than one thousand dollars (\$1,000) or any sale of real estate shall be subject to approval by the board, and that any sale of an item valued at less than one thousand dollars (\$1,000) shall not require bids or auction, but shall be duly reported to the board.

Section 4.09. Annual audit. Within thirty (30) days after the beginning of each fiscal year, the board shall employ an independent, certified public accountant to make an audit of all financial records of the town for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include determinations of legality of

transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. The audit shall be completed and a report, including a summary for publication, shall be submitted to the board within ninety (90) days after the end of the fiscal year.

Section 4.10. Bonds for public works contracts. Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid. 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. The board may waive these requirements for contracts under five thousand dollars (\$5,000).

Section 4.11. Property taxes. All property subject to taxation shall be subject to the property tax levied by the town. The board shall use county assessments for all property subject to taxation except property assessed by the public service commission.

Section 4.12. Omitted property. If county assessments are used the town recorder shall add 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 town.

Section 4.13. Tax levy. The board shall make tax levy annually, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation. If the board fails to set a tax rate, the prior year's tax rate shall continue in effect.

Section 4.14. Tax due dates and tax bills. The due dates of property taxes be fixed by ordinance and provision may be made for equal semi-annual installments. The town shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty, or interest thereon. Property taxed may be added and thereafter such taxes shall be subject to interest at the rate of one and one-half (1 1/2) percent for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

Section 4.15. Delinquent taxes. The board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the mayor for the sale of goods and chattels to be executed by any police officer of the town

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 town attorney acting in accordance with general laws providing for the collection of delinquent town 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. If not otherwise collected, the town attorney, or other designated by the board, shall file suit for collection of all delinquent taxes not later than eighteen (18) months after the date of delinquency.

Section 4.16. County may collect taxes. The town may contract with the county for the collection of town taxes. The contract may provide for reasonable fees to be paid to the county for this service.

Section 4.17. Taxes not to be excused. No officer or employee of the town shall have the authority to excuse taxes, penalties, interest, special assessment, or other charges due the town, but errors may be corrected when authorized by the board.

Section 4.18. Disbursement by checks. All disbursements, except for any agency of the town administered by a board of commission, shall be made by checks signed by the town recorder and countersigned by the mayor. The board may by resolution designate other officers to sign such checks in the absence or disability of the mayor or town recorder.

Section 4.19. Official depository. The board shall designate an official depository or depositories for deposit and safekeeping of funds of the town, with such collateral security as may be deemed necessary by the board.

Section 4.20. Accounting. The financial records of the town shall be established and maintained in general conformity with the accounts and procedures recommended by the Municipal Finance Officers Association or other nationally recognized authority of municipal accounting.

Section 4.21. Tax anticipation borrowing. The board may borrow money in anticipation of revenues, for payment of current and necessary expenses, which shall be repaid in the same or following fiscal year.

ARTICLE V

INTERGOVERNMENTAL COOPERATION AND CONTRACTING

Section 5.01. Intergovernmental cooperation and contracts. In addition to other powers granted in this charter, the board of mayor and alderman shall have the power to contract and cooperate with any other municipalities 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 town is authorized to undertake by this charter.

Section 5.02. Execution of such powers. The board of mayor and alderman may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action. The parties to such a contract or cooperative action or any of them, may acquire, by gift or purchase, or by the power of eminent domain exercised by one or more of the parties, the lands, buildings, and other property necessary or useful for the purposes of the contracts or cooperative actions, either within or without the corporate limits of one or more of the contracting parties, and shall have the power to hold or acquire such property jointly. The town may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

Such a contract also may provide for the establishment and selection of a joint commission, officer or officers to supervise, manage, and have charge of a joint service or project, and may provide for the powers and duties, term of office, compensation, if any, and other provisions relating to the members of such joint commission, officer or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

Section 5.03. Immunities and liabilities of officers. All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this article shall enjoy the same immunities and be subject to the same liabilities as if they were acting as a government unit.

Section 5.04. Handling of funds. All money received pursuant to any such contract or cooperative action, under the provisions of this article unless

otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of such contract or cooperation action.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01. Other general laws may be used by Town. 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.

Section 6.02. Penalties. The violation of any provision of this charter, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor, and persons guilty of such violations shall be fined not more than fifty dollars (\$50.00).

Section 6.03. Repeal of acts. When this act becomes applicable as the charter of the Town of Trimble, Tennessee, the following acts shall be repealed, except those parts of such acts fixing the corporate limits: Chapter 401 of the Acts of 1905; Chapter 25 of the Private Acts of 1909; Chapter 680 of the Private Acts of 1919; Chapter 370 of the Private Acts of 1925; Chapter 408 of the Private Acts of 1931; Chapter 95 of the Private Acts of 1935; Chapter 138 of the Private Acts of 1937; Chapter 660 of the Private Acts of 1949, Chapter 62 of the Private Acts of 1973; Chapter 339 of the Private Acts of 1982 and Chapter 175 of the Private Acts of 1986.

Section 6.04. Severability. 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.

Section 6.05. Applicability. To be applicable as the charter of the Town of Trimble, this act must be approved by a two-thirds (2/3) votes of the legislative body of the Town of Trimble. The vote shall be taken not less than sixty (60) nor more than one hundred twenty (120) days after enactment of this act. The mayor shall, within ten (10) days thereafter, certify to the Secretary of State the result of the vote.

Section 6.06. Effective date. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.05.

PASSED: May 17, 1993

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

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

APPROVED this 19th day of May 1993

PRIVATE ACTS COMPRISING THE CHARTER OF THE TOWN OF
TRIMBLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1993	88	Basic charter act.
1999	2	Amends § 2.01.
2016	58	Replaces § 2.01.
