

CHARTER FOR THE TOWN OF CLINTON, TENNESSEE

Town of Clinton Home Rule Ordinance¹

AN ORDINANCE PROVIDING FOR THE HOLDING OF A HOME RULE REFERENDUM IN THE TOWN OF CLINTON, TENNESSEE, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE.

Section 1. Be it ordained by the Board of Mayor and Alderman of the Town of Clinton, Tennessee, that, in accordance with the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee, the question of home rule for the Town of Clinton shall be submitted to the qualified voters of the Town of Clinton in the General election to be held in said municipality on the first Tuesday in November, 1954, to-wit, on November 2, 1954.

Section 2. Be it further ordained that a true and correct copy of this ordinance shall be immediately furnished by the Recorder of the Town of Clinton to the Board of Election Commissioners of Anderson County, Tennessee, with the request that said board immediately arrange for the holding of said referendum on said date as above provided. The ballot to be used in said election, or the language to be placed upon the appropriate place on the mechanical voting machines used in said election, shall read substantially as follows:

Town of Clinton
Home Rule Referendum

Held pursuant to the "Town of Clinton Home Rule Ordinance" and in accordance with the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee.

Shall the Town of Clinton, Tennessee, adopt home rule?

Yes ()
No ()

¹The election called for by this ordinance was duly held and the voters of the Town of Clinton voted to become a home rule municipality. After becoming a home rule municipality the town amended its charter only twice until August 2, 1990. On that date a referendum approved Ordinance No. 310, which constitutes the charter of the town. Ordinance No. 310 is set forth in its entirety on the following pages. It has not, as of 2011, been amended.

Section 3. Be it further ordained that the question above set forth shall be submitted as herein provided to the qualified voters at or in each voting precinct in the Town of Clinton; and the Board of Election Commissioners of Anderson County is authorized and directed to appoint and employ such additional election officials as may be necessary, if any, and to incur such other reasonable expenses necessary to conduct said referendum, which costs shall be paid out of the general fund of the Town of Clinton upon the presentation of a proper statement for same.

Section 4. Be it further ordained that, if for any reason the referendum heretofore herein provided is not held as herein set forth on November 2, 1954, said referendum shall be held in the same manner as herein provided in the Town of Clinton municipal election to be held in said municipality on the first Tuesday in December, 1954, to-wit, on December 7, 1954.

Section 5. Be it further ordained that this ordinance is an emergency ordinance and shall take effect from and after its passage, the public welfare requiring it.

Passed First Reading: October 7, 1954.
Passed Second Reading: October 7, 1954.
Passed Third Reading: October 21, 1954.

/S/ J. Harvey Cooper, Mayor

Correct: Attest

/S/ F. A. Tallent, Recorder

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¹Ordinance No. 310, approved by referendum on August 2, 1990, constitutes the charter of the Town of Clinton. Ordinance No. 310 is set out in its entirety herein. With the exception of the addition of a table of contents no changes to ordinance No. 310 have been made.

CHARTER OF THE
CITY OF CLINTON, TENNESSEE

ARTICLE I

ELECTIONS

Section 1. Method of electing governing body. The City shall, by ordinance, be divided into three wards. The division into wards shall be based on a census. The wards shall be approximately equal in population. The City Council shall consist of the Mayor and six members, two from each of the three wards. The Mayor and the Council members shall be elected at large.

Section 2. Time of election of the City Council. A regular city election shall be held on the first Tuesday in December in odd numbered years.

Section 3. Qualifications for voting. All persons who reside within the limits of the city and who are qualified to vote in state elections shall be qualified to vote in city elections.

Section 4. Place of voting. Each qualified voter shall vote at the voting precinct for the voter's place of residence.

Section 5. Conduct of election. All city elections shall be nonpartisan and shall be conducted by the county election commission at the same places and at the same hours as are used for holding general elections. Elections shall be held according to the general election laws of the state. All matters pertaining to elections and not provided for in this charter or by state law may be provided for by ordinance. No informality shall invalidate such an election providing it has been conducted fairly and in substantial conformity with the requirements of this charter.

Section 6. Eligibility for the offices of the City Council. A person shall not be eligible for the office of Mayor without having been a city resident for six months preceding the election. A person shall not be eligible for the office of Council member without having been a resident of the ward for six months preceding the election.

Section 7. City Council nominations. The deadline for filing nominating petitions, and the number and type of signatures required on those petitions, for Council member and Mayor shall be as designated by state law.

Section 8. Term of office. The members of the City Council shall have a four (4) year term of office. The members of the City Council shall serve

staggered terms so that the term of office of the Mayor and one Council member from each ward shall end one year and the term of office of the other three Council members shall end two years thereafter. The members of the City Council shall serve until their successors are elected and qualified. A Mayor whose place of personal residence moves from the City shall be held to have vacated the office of Mayor. A Council member whose residence moves from the ward from which the Council member was elected shall be held to have vacated the office.

The provisions of this charter shall take effect from and after adoption, provided that those persons holding the office of mayor or alderman under the former charter shall automatically hold the office of Mayor or Council member hereunder until such time as their term of office under the former charter would expire. In December 1990 the offices of Mayor and Council members then becoming vacant shall be filled by electing persons to serve three year terms. In December 1991 the offices of Council members then becoming vacant shall be filled by electing persons to serve four year terms.

Section 9. Certification of election. The county election commission shall meet on the Monday following the election and canvass the returns. The names of the candidates elected to the offices of mayor or Council member shall be declared and certified by the commission, and the chair of the election commission shall by mail send notices of election to the said candidates, indicating the term of office to be served by the candidate. A notice of said certification shall be published by the election commission in a newspaper of general circulation in the area.

Section 10. Expenses of city elections. All expenses of city elections shall be borne and paid for by the City.

Section 11. Time of taking office. Persons elected to the office of Mayor or Council member shall take office on the first day of January next following their election.

Section 12. Oath of office. The Mayor and Council members shall take and subscribe to the following oath or affirmation:

"I solemnly swear (or affirm) that I possess all the qualifications for the office of _____ as prescribed by this charter, and that I will support the Constitution and obey the laws of the United States and the State of Tennessee, and that I will observe the provisions of the charter and ordinances of the City of Clinton, Tennessee, and that I will faithfully discharge the duties of this office."

The oath shall be taken at or before the first meeting of the City Council in the January following the election.

Section 13. Vacancies in the offices of Mayor and Councilmember. A vacancy shall exist if the Mayor or a Councilmember resigns, dies, moves from the city, or, if a Councilmember, from the ward in which the Councilmember resides, is continuously absent from meetings for a period of six (6) months, accepts a position of employment with the City, or is convicted of malfeasance or misfeasance in office, a felony, or a violation of the election laws of the state. A vacancy shall be filled within thirty (30) days by a majority vote of the remaining members of the City Council. If the office to be filled is that of Mayor, the Councilmembers may elect one of their own number to the position, or they may elect another person who is qualified under this charter to hold the office of Mayor. If the council members elect a Councilmember as Mayor, they shall also elect another person to fill the council vacancy thus created. The appointee to any vacancy shall serve until the next regular city election, at which time a successor shall be elected to fill the unexpired term or a new term. If a tie vote by the City Council to fill an council vacancy is unbroken for thirty (30) days, the Mayor shall appoint a qualified person to fill the vacancy. No appointment to fill any vacancy shall be made within sixty (60) days prior to any regular city election.

ARTICLE II

CITY COUNCIL

Section 1. Governing Body. All corporate, legislative and other powers of the City of Clinton shall be vested in the City Council except as otherwise provided in this Charter. The City Council shall be composed of the Mayor and six Councilmembers.

Section 2. Meetings of City Council. The City Council shall set a regular meeting time and place by ordinance; meetings are to be held no less frequently than once in every month. The Mayor or three (3) members of the City Council may call a special meeting of the City Council by giving adequate public notice and by having delivered adequate oral or written notice to each Councilmember's residence address at least twenty-four (24) hours in advance of the meeting. All regular and special meetings of the City Council shall be open to the public and citizens shall have a reasonable opportunity to be heard. The City Council shall exercise its powers only at public meetings.

Section 3. Quorum of City Council. A simple majority of the members of the City Council then in office shall be a quorum for transacting business at meetings.

Section 4. Mayor. The Mayor shall preside at all meetings of the City Council, shall have a vote on all matters but no veto power, shall be the ceremonial head of the City, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the City Council to do so, shall be the officer to accept process against the City, but shall perform only such duties as are specifically conferred or required by law and this charter and shall not have any regular administrative duties. Wherever the term "City Council" is used in this charter, it shall be construed to include the Mayor as a voting member and the presiding officer.

Section 5. Vice-Mayor. The City Council shall choose one of its members as Vice Mayor, who shall act in the temporary absence or disability of the Mayor.

Section 6. Rules of the City Council. The City Council shall determine its own rules and order of business. When a quorum has been declared, the affirmative vote of a majority of members then present shall be sufficient to take any action. There shall be minutes of all board meetings which shall be signed by the Mayor and the City Recorder.

Section 7. Compensation of the City Council. The Mayor and each Councilmember shall be compensated at the rate determined by the City Council, but any increase in such rate shall take effect only after the first of January one year after the adoption of the increase. The Mayor and all Councilmembers may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties, provided the procedures for such reimbursements are approved by the City Council at a regular meeting.

Section 8. Form of ordinances. Any action of the City Council having a regulatory or penal effect shall be taken only by ordinance. Each ordinance shall be in written form before being introduced. Each ordinance shall have a title, and upon passage, shall be further identified by a number. The enacting clause of all ordinances shall be "Be it ordained by the City Council of the City of Clinton, Tennessee." Other actions may be taken or authorized by resolutions or by motions.

Section 9. Passage, amendment and repeal of ordinances. Each ordinance shall be approved by a majority vote at two meetings held at least one week apart unless an emergency exists. If an emergency exists, and the public safety and welfare require it, the two meetings may be held not less than

twenty-four hours apart. The title of each ordinance shall be read before the vote at the first meeting and the full text of each ordinance shall be read before the vote at the second meeting, unless the City Council votes to waive the reading of the full text of the ordinance. Every ordinance so adopted shall take effect from and after its passage unless otherwise specified in the ordinance. After adoption every ordinance shall be published in a local newspaper of general circulation either by printing the text of the ordinance or by printing the title and a summary of the ordinance. Amendments of ordinances or parts thereof shall be accomplished only by setting forth the complete section(s) or subsection(s) in their amended form. A repeal of an ordinance must refer to its number and title.

Section 10. Preservation and publication of ordinances. All ordinances and their amendments shall be recorded by the City Recorder in a book to be known as the "ordinance book," and it shall be the duty of the Mayor and the City Recorder to authenticate such records by their official signatures. The original copies of all ordinances and resolutions shall be filed and preserved by the City Recorder.

ARTICLE III

POWERS OF THE CITY AND APPOINTMENTS

Section 1. General power to enact ordinances. The City shall have power by ordinance:

(a) To assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation and all privileges taxable by law for state, county or City purposes;

(b) To adopt such classifications of the subjects and objects of taxation as may not be contrary to law;

(c) To make special assessments for local improvements;

(d) To contract and be contracted with;

(e) To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner hereafter provided;

(f) To issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the City, upon the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(g) To expend the money of the City for all lawful purposes;

(h) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the City or state;

(i) To condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the City, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of state law;

(j) To take and hold property within or without the City or state upon trust; and to administer trusts for the public benefit;

(k) To acquire, construct, own, operate, and maintain, or sell, lease mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service within or without the City, its inhabitants, or any part thereof;

(l) To grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the City and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the City itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The City Council may prescribe in each grant of a franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the City at the date of the franchise, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened;

(m) To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the City and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association, or corporation, but also as against the City itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The City Council may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the City at the date of the contract, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(n) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any

of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (l) and (m) of this section;

(o) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits and to regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under the provisions of state law;

(p) To construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys under and as provided by state law;

(q) To assess against abutting property within the corporate limits the cost of planting shade trees; removing from sidewalks all accumulations of snow, ice, and earth; cutting and removing obnoxious weeds and rubbish; street lighting, street sweeping, street sprinkling, street flushing, and street oiling;

(r) To acquire, purchase, provide for, construct, regulate, and maintain and do things relating to all public buildings, market places, bridges, sewers and all other structures, works and improvements;

(s) To collect, dispose of, or recycle drainage, sewage, ashes, garbage, refuse or other waste; or to license and regulate such collection, disposal or recycling, and to fund the cost of such collection, regulation, disposal or recycling by taxation or special assessment of the property owner;

(t) To license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law;

(u) To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;

(v) To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City, and to exercise general police powers;

(w) To prescribe limits within which business occupations or practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(x) To inspect, test, measure, and weigh any article for consumption or use within the City, and to charge reasonable fees therefor; and to provide standards of weights, tests and measures;

(y) To establish, regulate, license, and inspect weights and measures;

(z) To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe;

(aa) To provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services;

(bb) To enforce any ordinance, rules or regulations, by means of fines, forfeiture, or by action or proceedings in any court of competent jurisdiction or by any one (1) or more of such means and to impose cost as a part thereof, but no fine, forfeiture, or penalty shall exceed an amount determined by the City Council, not to exceed the state limits;

(cc) To regulate, tax, license or suppress the keeping or going at large of animals or fowl within the City; to impound the same and in default of redemption to sell or kill the same;

(dd) To call elections as hereinafter provided;

(ee) To enact such ordinances as may be necessary and proper to preserve the health, quiet and good order of the City;

(ff) To enact such ordinances as may be necessary and proper to enforce the powers granted which are not inconsistent with the constitution and laws of the United States or of the State of Tennessee;

(gg) To have and exercise by ordinance or otherwise all powers which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated herein; and

(hh) To exercise the powers granted cities by Tennessee Code Annotated Sections 6-2-201, 6-19-101, and 6-19-102 and not otherwise specified herein, which provision specifically includes any additional powers granted by subsequent amendment of these statutes provided that any such amendment shall not remove or restrict any power otherwise specified herein.

Section 2. Enumeration of powers not exclusive. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in any portion of this charter impair a power granted in any other part of this Charter and whether powers, objects, or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the City to exercise freely any one (1) or more of such powers as to any one (1) or more such objects for any one (1) or more such purposes.

Section 3. City Judge and court. The City Council shall appoint a City Judge who shall preside over the city court. The City Judge shall have jurisdiction over all cases for the violation of, and all cases arising under, the

laws and ordinances of the City. The City Judge shall serve at the will of the City Council, and shall have such qualifications and receive such compensation as may be provided in the annual budget presented by the City Manager and approved by, the City Council. The compensation fixed for the City Judge shall in no way relate to the amount of moneys collected by the court, and the compensation so fixed shall be in lieu of all fees, fines, penalties, forfeitures, or other moneys collected by the court.

Section 4. Advisory boards. The City Council may create boards advisory to the City Council and the City Manager with respect to specific municipal functions prescribing, in each case, the duration of the existence of such boards, and the number, manner of appointment, length of term, and advisory duties of members of such boards. The members of such boards shall serve without compensation but may be reimbursed for necessary expenses occurred in official duties.

Section 5. Planning Commission. A Planning Commission shall be established to exercise such powers as are provided by State law. The members of the Planning Commission may be compensated; the rate of compensation, if any, shall to be determined by the City Council.

Section 6. City Attorney. The City Council shall appoint a City Attorney, who shall be an attorney at law entitled to practice in the courts of the state. The City Attorney, upon request, shall advise the City Council, City Manager and other officers of the City concerning legal aspects of the City's affairs. The City Attorney shall be compensated for legal services as agreed upon with the City Manager and as approved by the City Council.

ARTICLE IV

CITY MANAGER AND ADMINISTRATION
OF CITY AFFAIRS

Section 1. Appointment, term and qualifications of City Manager. The City Council shall appoint a chief administrative officer of the City who shall be entitled City Manager, and who shall serve at the will and pleasure of the City Council. The City Council may choose to enter into a contract with the City Manager which contract may provide for a payment to the City Manager if the City Council exercises its right to terminate the City Manager's service. The City Manager shall be selected on the basis of training, experience, and other professional qualifications for the office and without regard to political preference or place of residence at the time of appointment.

Section 2. Absence of the City Manager. The City Manager shall have the right to appoint persons to temporarily assume the duties and authority of the office of City Manager during the City Manager's temporary absences. Should the City Manager be unable to perform the duties of the office for thirty (30) consecutive days due to illness or disability, the City Council may appoint a person to assume the office during the period of the City Manager's illness or disability.

Section 3. Relationship of City Manager to City Council. The City Manager shall be responsible to the City Council for the administration of all units of the city government under the City Manager's jurisdiction and for carrying out all policies adopted by the City Council. Except for the purpose of inquiry, the City Council and its members shall deal with the employees of the City solely through the City Manager.

Section 4. Duties and authority of City Manager. The City Manager shall supervise the administrative affairs of the City. The City Manager shall be charged with the preservation of the public peace and health, the safety of persons and properties, and the enforcement of the laws, ordinances, and franchises, and the development and utilization of the city's resources. The City Manager shall make reports and recommendations as the City Manager may deem desirable and perform such other duties as may be prescribed by this charter, or required by ordinance or resolution of the City Council and not inconsistent with this charter. The City Manager shall have the right to take part in the discussion of all matters coming before the City Council, but shall not have the right to vote.

Section 5. Administrative organization. Within the framework established by this charter, the administrative organization of the City shall be

divided into departments as necessary to provide general government, finance, health, welfare, police, recreation, fire, library, public works, and other municipal services. These departments shall be as provided in a plan of administrative organization to be developed by the City Manager and submitted to the City Council for approval and adoption by ordinance. The City Council shall not amend the ordinance on the administrative organization of the City without first allowing the City Manager an opportunity to express a recommendation in writing on a proposed change; the City Council shall have no obligation to follow the City Manager's recommendation.

Section 6. City recorder. The City Manager, with the approval of the City Council, shall appoint a City Recorder, together with such deputy recorders as the City Manager may deem necessary. The City Recorder shall be responsible for keeping and preserving the city seal and all records of the City Council; attending meetings of the City Council and keeping minutes of such meetings; preparing and certifying copies of official records; and performing all other duties prescribed by the City Manager or the City Council.

ARTICLE V

FINANCES

Section 1. Assessment and collection of taxes. The City Manager or personnel appointed by the City Manager shall make use of every method provided by the general laws of the state to insure the collection of taxes due the city.

Section 2. Administration of finances. The City Manager or an officer appointed by the City Manager shall have charge of the administration of the financial affairs of the City. There shall be maintained such accounting controls over the finances of the City, and such financial reports as may be required by this charter, by ordinance, or by the City Manager. The City Manager shall provide for the approval and payment of all claims against the City.

Section 3. Fiscal year. The fiscal year of the City shall begin on the first day of July and shall end of the thirtieth day of June of the succeeding year, but another fiscal year may be fixed by ordinance for the entire city government or for any utility.

Section 4. City Manager to prepare budget; budget contents. On or before a date fixed by the City Council, but not later than sixty (60) days prior to the beginning of the fiscal year, the City Manager shall submit to the City Council a proposed budget for the next fiscal year. The budget shall present a

complete financial plan for the ensuing year, including at least the following information:

- (a) Detailed estimates of all proposed expenditures for each department, board, office, or other agency of the City, and the appropriations and expenditures for the last preceding fiscal year;
- (b) Statements of the bonded indebtedness of the City;
- (c) Detailed estimates of all anticipated revenues of the City from all sources;
- (d) A statement of the estimated balance or deficit as of the end of the current fiscal year;
- (e) A statement of capital projects which shall be proposed for adoption during the year depending on the availability of funds; and,
- (f) Such other supporting schedules as the City Council may request, or are otherwise required by law.

Section 5. Adoption of budget; appropriation ordinance. Before the beginning of the next fiscal year, the City Council shall adopt an appropriation ordinance based on the City Manager's budget with such modifications as the City Council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each fund. The City Council shall not make appropriations in excess of estimated revenues, except to provide for an emergency threatening the health, lives or property of the inhabitants of the City and declared by a majority vote of the members of the City Council then in office. If, for any reason, an appropriation ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations for the last fiscal year shall become the appropriations for the next fiscal year until the adoption of the new appropriation ordinance.

Section 6. Amendments to the appropriation ordinance. The City Council at any time during a fiscal year may vote to approve an increase in appropriations or in appropriations for capital projects. It shall not be necessary to amend the appropriation ordinance to reflect such changes more than once a year.

Section 7. Unexpended appropriation to lapse. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the general fund.

Section 8. Purchasing. The City Manager shall be responsible for all city purchasing, but the City Manager may delegate this duty to any subordinate. All purchases of goods shall be made from, and all contracts for services shall be awarded to, the lowest and best responsible bidder, provided that the City shall have the power to reject any and all bids. Formal sealed bids shall be obtained in all transactions which exceed a dollar amount to be set by the City Council

by ordinance, and the transaction shall be submitted to the City Council for approval. In cases where a majority of the members of the Council members then in office vote to do so, noncompetitive contracts may be authorized. The City Council may also authorize the making of public improvements or the performing of any other city work by any city department or agency without competitive bidding. Purchasing and contract procedures not prescribed by this charter or other law may be established by ordinance.

Section 9. Annual audit. At the end of each fiscal year an audit shall be made of the accounts and funds of the City covering the operations of the past fiscal year by a certified public accountant selected by the City Council.

Section 10. Depositories for city funds. The City Manager, with the approval of the City Council, shall designate a commercial bank or banks, or other financial institution or institutions capable of providing the services of a commercial bank, as depository or depositories for city funds and shall provide for the regular deposit of all city moneys. The City Council shall require such security for city deposits as it deems necessary.

Section 11. Surety bonds of officers and employees. All city officers or employees receiving, disbursing or responsible for city funds shall be bonded. The City Council may require any officer or employee to give a bond.

ARTICLE VI

PERSONNEL

Section 1. City Manager to manage personnel system. The City Manager shall develop and manage the City's personnel system so as to employ those persons best qualified to perform the functions of the City. The City Manager shall have the power to hire, train, supervise, transfer, promote, demote, suspend, or terminate any city employee consistent with the provisions of this charter and with the ordinances of the City.

Section 2. Establishment of positions. The City Manager may establish such positions within the departments established under Article IV, Section 5, as the City Manager may deem necessary. The City Manager may develop job descriptions and a system of job classifications for positions thus established. The City Manager may combine, or may personally hold, any position. The City Manager may delegate any duties.

Section 3. Compensation. The City Manager shall develop and annually review a comprehensive pay plan which shall be submitted to the City Council for adoption. The compensation of specific employees, except as otherwise

provided in this charter, shall be set by the City Manager and shall be in accordance with the comprehensive pay plan and within the limits of budget appropriations.

Section 4. Employee benefits. The City Council shall provide retirement benefits for the City's elective officers, non-elective officers and employees, and employees of other agencies of the City if approved by the City Council and may, based on the recommendations of the City Manager, make available to them any group life, hospital, health, or accident insurance, or any other benefit permissible under law.

Section 5. Pecuniary interest prohibited. No officer or employee of the City shall have any financial interest, other than the common public interest, in the profits of any contract, service or other work performed for the City; nor shall an officer or employee personally profit, directly or indirectly, from any transaction between the City and any person or company. No officer or employee shall accept any free or preferential services, benefits or goods from any person or company. Any officer or employee who violates the provisions of this section shall be guilty of misconduct of office. It shall not be a conflict of interest if the City Judge also serves as a consultant to the City on matters not related to the city court and receives a salary for such additional duties in an amount recommended by the City Manager and approved by the City Council.

ARTICLE VII

PUBLIC SCHOOLS

Section 1. Powers relative to public schools. The City shall, by ordinance, have the power to:

- (a) Establish, control, administer and manage public schools for its citizens.
- (b) Establish a board of education, or such other boards or offices as it may deem necessary for a City school system, and to determine the officers, number, qualifications, terms, powers, duties, method of appointment or election, expense reimbursement, and compensation, if any, of the members of such board or boards;
- (c) Assess and levy taxes to support the school system;
- (d) Determine the fiscal year for the City school system;
- (e) Establish a "school fund";
- (f) Determine the total amounts to be expended for the school system in a fiscal year;
- (g) Pay or allocate said amounts to the board of education for expenditure;

- (h) Authorize expenditures for the school system or to ratify expenditures by the board of education;
- (i) Purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools;
- (j) Purchase or erect all necessary buildings;
- (k) Contract with the county or others for the maintenance or operation of all or part of the City's educational system; and,
- (l) Do all other acts necessary to establish, maintain and operate a complete educational system for City residents.

ARTICLE VIII

PORT AUTHORITY

Section 1. Powers relative to Port Authority. The City shall have the power, by ordinance, to create a Port Authority. This power includes the power to:

- (a) Provide for a board of commissioners and to determine the officers, number, qualifications, terms, powers, duties, method of appointment or election, expense reimbursement and compensation, if any, of the members of such board;
- (b) Delegate to such Port Authority such powers, privileges, duties and authority as the City deems necessary or desirable;
- (c) Authorize the construction, acquisition, ownership maintenance and operation of publicly owned ports, boat docks, airports, storage, transfer, transportation, water sports and recreation facilities by the Port Authority;
- (d) Promote and facilitate commercial and industrial development by the City and others;
- (e) Provide for the management, regulation and government of the Port Authority;
- (f) Authorize the issuance and sale of bonds of the City and the borrowing of money for the purposes of carrying out and exercising the powers granted the Port Authority;
- (g) Provide for the means of financing, budgeting, auditing and reporting by the Port Authority; and,
- (h) Authorize the exercise of the power of eminent domain by the Port Authority on behalf of the City.

ARTICLE IX

PUBLIC UTILITIES

Section 1. Powers relative to public utilities. The City shall, by ordinance, have the power to acquire, construct, operate, own, or lease any and all electric power, water, sewer, gas, or other public utility service or system, and all rights or property necessary thereto, within or without the City.

Section 2. Power to establish utilities board. The City shall, by ordinance, have the power to:

(a) Establish a municipal utilities board or boards as it may deem necessary to control, supervise and manage the City's public utilities system and to determine the officers, number, qualifications, terms, powers, duties, method of appointment or election, expense reimbursement, and compensation, if any, of the members of such board or boards;

(b) Delegate to such utilities board such powers, privileges, duties and authority as the City may have under the general laws of the State of Tennessee with regard to public utility services or systems;

(c) Provide for the financing, budgeting, auditing and reporting of the public utilities system;

(d) Provide a method for the resolution of any dispute concerning the interpretation of the rights, duties or performance owed under any contract with the Tennessee Valley Authority, or any other person, government, or entity, with regard to the public utilities system; and,

(e) Authorize the sale of public utility service to nonresidents of the City.

ARTICLE X

HOME RULE

Section 1. Adoption of Home Rule. Clinton adopted home rule in accordance with the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee, in a public election held on November 2, 1954, and is and shall remain a home rule municipality.

ARTICLE XI

PREEXISTING LEGISLATION AND PROPERTY¹

Section 1. Ordinance and resolutions. All ordinances and resolutions heretofore enacted by the Board of Mayor and Aldermen of the Town of Clinton which are in full force and effect immediately prior to this charter becoming effective shall be and remain in full force and effect until amended or repealed by the City Council of the City of Clinton. All references in such preexisting ordinances and resolutions to "Board of Mayor and Aldermen" shall be deemed references to "City Council". All references to "Town or "Town of Clinton" shall be deemed references to "City of Clinton." All references to "Administrator" shall be deemed references to "City Manager."

To the extent that Ordinance adopted August 18, 1966 authorized "The Port Authority of Clinton Tennessee" to be created and to exercise the powers granted to the City in Article VIII of this charter, said ordinance shall remain in full force and effect as a city ordinance. The provisions of the Ordinance August 18, 1966 that proposed to amend the charter of the Town by popular election are null and superseded by this charter.

Section 2. Property. All assets, including real, personal and intangible property and taxes, claims, fines and forfeitures, together with all legal liabilities, contracts and indebtedness held by or existing against the Town of Clinton shall remain in full force and effect and be the property and obligation of the City of Clinton after the adoption of this charter. Be it further enacted and ordained, That this ordinance shall have no effect unless same shall have been approved by a majority vote of the qualified voters of the Town of Clinton voting thereon at the first general state election which shall be held at least sixty (60) days after the publication of the proposal for the adoption of this amendment to the charter of the constitution of the State of Tennessee, said general state election to be held on August 2, 1990. In the event the proposal for the adoption of this amendment is approved by a majority of the qualified voters voting thereon, such proposal and this ordinance shall become effective sixty (60) days after said approval of same. In such election it shall only be necessary for a majority of the qualified voters, actually voting on said proposal in said election, to approve said proposal as set forth in this ordinance in order for same to become valid and legally effective.

¹Ordinances changing the corporate boundaries are of record in the office of the recorder. They include: Ord. #347 (Rescinded); Ord. #353 (March 1994); Ord. #383 (Sept. 1997); Ord. #387 (March 1998); Ords. #388 and 389 (May 1998); Ord. #404 (Rescinded); Ords. #405 and 406 (Oct. 2000); Ord. #424 (Feb. 2002); Ord. #440 (Jan. 2003); Ord. #449 (May 2004); Ord. #451 (June 2004); Ord. #470 (Oct. 2005); Ord. #505 (Aug. 2006); Ord. #511 (Nov. 2006); Ord. #513 (Nov. 2006); Ord. #515 (Nov. 2006); Ord. #519 (March 2007); Ord. #520 (March 2007); Ord. #521 (April 2007); Ord. #529 (Aug. 2007); Ord. #530 (Aug. 2007); Ord. #534 (Oct. 2007); Ord. #535 (Dec. 2007); and Ord. #536 (Dec. 2007).

Be it further enacted and ordained, That the said election or referendum herein provided shall be published or advertised by one notice or advertisement at least sixty (60) days before said election or referendum is held, in a newspaper of general circulation published in Anderson County, Tennessee, and such notice or advertisement shall have this ordinance set forth in full therein.

Be it further enacted and ordained, That this ordinance is hereby declared to be an emergency ordinance, and shall be in full force and effect from and after its passage and approval to the extent and as provided herein, the public welfare requiring it.

Signed and approved in open meeting May 29, 1990.

Passed on first reading May 21, 1990

Passed on second reading May 29, 1990

S/Cathy Brown

Mayor

Correct: Attest

S/Patsy Meredith

Recorder