TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY[1]

SECTION

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19-101. Board of Public Utilities to supervise and control. A Board of Public Utilities as required and authorized by Tennessee Code Annotated § 7-35-406, shall be constituted and appointed as provided in Tennessee Code Annotated §§ 7-35-407 – 7-35-409, to have supervision and control of the construction and operation of the waterworks and sewerage systems of the City of Sevierville. The Board of Public Utilities shall have such powers and duties and shall be subject to such limitations as are prescribed in Tennessee Code Annotated §§ 7-35-407 – 7-35-409.

Board members shall serve without compensation, but they may be paid necessary travel and other expenses while engaged in the business of the Board, including an allowance not to exceed twenty dollars ($20.00) per month for

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[1]Municipal code references
Electrical code: title 12.
Fire code: title 7.

regular members and twenty-five dollars ($25.00) per month for the Chairman for attendance at Board meetings. (1996 Code, § 19-101)

19-102. Board membership and qualifications. The Board shall consist of five (5) members or commissioners, four (4) of whom shall be known as public members and one (1) of whom shall be a member of the Board of Aldermen, subject to the qualifications and method of appointment as herein provided.

No person shall be eligible to appointment to the Board as a public member unless he shall have been for at least one (1) year next preceding his appointment a citizen and a bona fide resident and property holder of the City of Sevierville. No officer or employee of the City shall be eligible to serve as a public member on the Board until at least one (1) year after the expiration of the term of his public office or the termination of his employment. Any Board member who shall cease to possess any of the qualifications herein enumerated shall immediately forfeit his office and membership on the Board. (1996 Code, § 19-102)

19-103. Appointment and terms of members; vacancies. The four (4) public members of the Board shall be named and appointed by the Mayor of Sevierville, subject, however, to the consent and approval of the Board of Aldermen. The fifth member of the Board shall be designated and appointed by the Mayor from the membership of the Board of Aldermen, subject, however, to the consent and approval of the Board of Aldermen.

Except as otherwise provided herein as to original appointees to the Board, the term of office of each public member shall be four (4) years from the first day of July next succeeding the date of appointment, and such appointments shall be made at the regular meeting of the Board of Mayor and Aldermen immediately preceding the expiration date of the term of office of the retiring member.

The term of appointment of the member to the Board from among the membership of the Board of Aldermen shall be for such time as the Mayor may fix and designate, but in no event shall such appointment extend beyond the term of office of the appointee on the Board of Aldermen.

Vacancies on the Board may be filled for the unexpired term only, and appointments to complete unexpired terms shall be made in the same manner as hereinabove provided. (1996 Code, § 19-103)

19-104. Oath and bond of Board members. Each member of the Board shall qualify by taking the same oath of office as that required to be taken by the Board of Mayor and Aldermen, and each member shall give such bond, if any, as may be required from time to time by resolution of the Board of Mayor and Aldermen. (1996 Code, § 19-104)

19-105. Removal of Board members. Any member of the Board may be removed for cause in the method and manner as prescribed by the "Municipal Electric Plant Act" of 1935, as amended. (1996 Code, § 19-105)

19-106. Board meetings, organization, compensation, etc. The appointees to the Board shall meet within ten (10) days from the final adoption of these provisions for the purposes, among other things, of taking their oath of office, of electing a Chairman from among the Board members, and electing or designating a Secretary and Treasurer or Secretary-Treasurer, and fixing and determining the amount of the surety bond, if any, which shall be required of such Secretary and Treasurer or Secretary-Treasurer, and fixing his or their compensation, if any. The Secretary and Treasurer or Secretary-Treasurer may or may not be members of the Board.

The Chairman shall preside over the meetings of the Board. The Secretary shall keep the minutes of the Board and shall perform such other duties as the Board may prescribe from time to time. The Treasurer shall be responsible for the safe keeping and disbursement of funds and revenues of the electric system and properties, and shall perform such other duties as the Board may, from time to time, prescribe. A new election of officers of the Board shall be held at the first regular meeting of the Board following the appointment of a new member for a full term. Members elected to offices provided for in this section shall continue to hold office until their successors are elected and qualified or until they cease to be members of the Board. If the Secretary and Treasurer or Secretary-Treasurer are not members of the Board, they shall hold office at the will of the Board. A majority of the Board shall constitute a quorum and the Board shall act by vote of a majority present at any meeting duly called and held and attended by a quorum. Vacancies in the Board shall not effect its power and authority so long as a quorum remains. Board members shall serve without compensation, but they may be paid necessary travel and other expenses while engaged in the business of the Board, including an allowance not to exceed twenty dollars ($20.00) per month for regular members and twenty-five dollars ($25.00) per month for the Chairman's attendance at Board meetings. Such expenses, as well as the salaries of the Secretary and Treasurer or Secretary-Treasurer, shall constitute a cost of operation and maintenance of the electric plant and facilities. The Board shall have the right to adopt by-laws and promulgate reasonable and lawful rules and regulations not inconsistent with the provisions of this chapter or the provisions of Tennessee Code Annotated §§ 7-52-101 through 7-52-135 and any amendments thereto. The Board shall hold public meetings at least once a month. Changes in the time and place of meetings shall be made known to the public as far in advance as practicable. (1996 Code, § 19-106)

19-107. General powers and duties of the Board and Superintendent. The Board shall have and exercise and is hereby granted all

the powers and duties possessed by the City of Sevierville to construct, acquire, operate or expand the electric system and facilities. The Board shall have and maintain full control and complete jurisdiction over the management, improvement, operation, and maintenance of the electric system and facilities, and may make all lawful contracts and do any and all lawful acts and things that are necessary, convenient, or desirable in order to operate, maintain, enlarge, extend, preserve, and promote an orderly, economic, and business like administration of the electric system and facilities. The Board may appoint a Superintendent who shall be qualified by training and experience for the general Superintendence of the electric system and properties and the operation and management thereof. The Superintendent need not be a resident of the state at the time of his employment. The salary of the Superintendent shall be fixed by the Board, and he shall serve at the pleasure of the Board and he may be removed by the Board at any time. The Board shall determine all programs and make all plans and determinations as to improvements, rates, and financial practices. The Board may establish such rules and regulations as it may deem necessary or appropriate to govern the furnishing and sale of electricity and may make proper disposition of available moneys in the electric system fund for the acquisition, improvement, operation and maintenance of the electric system and facilities.

The Superintendent, subject to the Board, shall be charged with the immediate management and operation of the electric properties, system, and facilities, and the enforcement and execution of all rules, regulations, programs, plans, and decisions made or adopted by the Board. The Superintendent shall appoint and hire all employees and fix their duties and compensation and let all contracts, subject to the approval of the Board. The Superintendent shall let all contracts, subject to the approval of the Board, but may without the approval, obligate the system on purchase orders up to an amount to be fixed by the Board, but not to exceed fifty thousand dollars ($50,000.00). Any work, construction, or purchase of inventory exceeding in cost the amount specified above shall, before any contract is let or work done, be advertised by the Superintendent for bids, but the Board shall have power to reject any and all bids. Any purchase or work which exceeds ten thousand dollars ($10,000.00) shall be by sealed competitive bids. Any work or purchase for sums less than ten thousand dollars ($10,000.00) shall be by rules and regulations established by the Superintendent. The Superintendent shall make or cause to be made and kept proper books and records of the electric system and properties, and its affairs, subject to the direction of the Board. (1996 Code, § 19-107, modified)

19-108. <u>Certified public accountant to make periodic audits and reports</u>. An independent certified public accountant, not an employee of the City of Sevierville, or its electric system, shall be employed by the Board to make such audits and reports as often as the Board deems necessary, but in any event once each year. (1996 Code, § 19-108)

19-109. Records and reports of the Board. The Board shall keep a complete and accurate written record of all of its meetings and actions taken thereat and it shall see that accurate records are kept of all receipts and disbursements of revenues and funds of the electric system. It shall be the duty of the Board to furnish written reports of its meetings, receipts, and disbursements to the Board of Mayor and Aldermen semi-annually. These reports shall be filed in open meeting of the Board of Mayor and Aldermen and the originals, or true copies thereof, shall be kept on file in the Recorder's Office, where they shall be open to public inspection at all times. (1996 Code, § 19-109)

19-110. Handling of moneys, funds, and revenues. All moneys, funds, and revenues belonging to or derived from the electric plant facilities and system shall be conserved, disposed of, and handled in the method and manner provided for and authorized by the terms and provisions of the "Municipal Electric Plant Act" of 1935. (1996 Code, § 19-110)

19-111. "Municipal Electric Plant Act" incorporated by reference. The Board and its officers and employees shall perform and discharge all of the other rights, powers, duties, privileges and obligations as are prescribed in Tennessee Code Annotated §§ 7-52-101 through 7-52-135 including any amendments thereto, all of which are incorporated herein by reference and made a part thereof. (1996 Code, § 19-111, modified)

CHAPTER 2

GAS[1]

SECTION

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be provided to the City of Sevierville and its inhabitants under such franchise as the Board of Mayor and Aldermen shall grant.[2] (1996 Code, § 19-201)

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[1]Municipal code references
Gas code: title 12.
Plumbing code: title 12.

[2]See ordinance No. 654, dated September 16, 1991, of record in the recorder's office, for the twenty (20) year gas franchise granted to the Sevier County Utility District.

Charter reference
Grant franchises for public utilities and services: art. II, § 2.12.