

CHARTER FOR THE TOWN OF
BAILEYTON, TENNESSEE¹

CHAPTER NO. 192

SENATE BILL NO. 2903

By Greer

Substituted for: House Bill No. 2925

By Hahn

AN ACT To revise the Charter of the Town of Baileyton, Tennessee, and to repeal Chapter 200 of the Private Acts of 1915, Chapter 366 of the Private Acts of 1925, Chapter 62 of the Private Acts of 1967 and all acts amendatory thereto.

TABLE OF CONTENTS

<u>ARTICLE/SECTION</u>	<u>PAGE</u>
I. CHARTER, DEFINITIONS, TOWN LIMITS, CORPORATE POWERS	
1.01. Act constitutes Town Charter	C-3
1.02. Definitions	C-3
1.03. Town limits	C-4
1.04. Corporate powers	C-4
1.05. Repealer	C-7

¹Priv. Acts 1994, ch. 192, is the current basic charter act for the Town of Baileyton, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2017 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.

<u>ARTICLE/SECTION</u>	<u>PAGE</u>
II. BOARD OF MAYOR AND ALDERMEN ELECTIONS	
2.01. Election of mayor and aldermen	C-7
2.02. Town Board -- composition; salaries of mayor and aldermen; meeting; quorum	C-8
2.03. Mayor as presiding officer; mayor to sign ordinance and resolutions; duties of mayor	C-9
2.04. Vice-Mayor -- election; duties	C-9
2.05. Vacancy in office of mayor or aldermen; effect of malfeasance, etc.	C-10
2.06. Town of legislation -- when ordinances necessary; required wording; readings required; emergency ordinances; official code; standard codes; publication	C-10
III. ORGANIZATION AND PERSONNEL	
3.01. Organization of town government	C-12
3.02. Administrative duties of mayor	C-13
3.03. Town recorder -- appointment and duties	C-13
3.04. Town attorney -- appointment and duties	C-14
3.05. Town court	C-14
3.06. Officers and employees -- salaries	C-15
3.07. Employees -- appointment and promotion; removal or suspension; appeal and hearing	C-15
3.08. Personnel rules	C-16
3.09. Oath of office	C-16
3.10. Official bonds	C-16
3.11. Political activity prohibited	C-17
IV. FISCAL ADMINISTRATION	
4.01. Fiscal year	C-17
4.02. Mayor to submit annual budget	C-17
4.03. Capital improvement budget	C-18
4.04. Public hearing	C-18
4.05. Action by board on budget -- emergencies; amendments; reallocation; monthly reports by mayor	C-18
4.06. Control of expenditures	C-19
4.07. Centralized purchasing	C-19
4.08. Unauthorized contract or expenditure	C-20
4.09. Sale of Town property	C-20
4.10. Annual audit	C-20
4.11. Bonds for public works contracts	C-20
4.12. Property taxes	C-20
4.13. Omitted property	C-20

<u>ARTICLE/SECTION</u>	<u>PAGE</u>
4.14. Disbursements by checks	C-21
4.15. Official depository	C-21
4.16. Accounting	C-21
V. MISCELLANEOUS PROVISIONS	
5.01. Other general laws may be used by town	C-21
5.02. Penalties	C-21
5.03. Approval and certification	C-21
5.04. Effective date	C-21

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

ARTICLE I

CHARTER, DEFINITIONS, TOWN LIMITS, CORPORATE POWERS

Section 1.01. Act constitutes Town Charter. This act shall constitute the whole charter of the Town of Baileyton, Tennessee, repealing and replacing the Charter enacted as Chapter 200 of the Private Acts of 1915, and all acts amendatory thereto. The Town of Baileyton in the County of Greene, and the inhabitants thereof shall continue, and are hereby constituted and declared a body politic and corporate by the name and style of Baileyton, Tennessee, and by that name shall have perpetual successions, 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 Baileyton, Tennessee.

(b) "Board" and "Board of Mayor and Aldermen" means the legislative body of the Town, which shall be composed of the Mayor and four (4) Aldermen elected as provided in this Charter, and any incumbent Aldermen until the expiration of their current terms of office.

(c) "Aldermen" and "member of Board" means a person elected to the office as provided in this Charter and shall include the Mayor.

(d) "Nonpartisan" means without any 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 other 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.

(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 as fixed by Chapter 200 of the Private Acts of 1915 plus all annexations made pursuant to general law.

Section 1.04. Corporate powers. The Town shall have 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 and privileges which are taxable under the general laws of the state, and levy and collect any other kind of tax not prohibited to towns by the constitution or general law. Collection fees therefor may be provided for by ordinance.

(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. The Town shall have the power to engage in short-term borrowing in anticipation of revenues for payment of current and necessary expenses.

(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-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, standards and conditions of service, subject to regulation by the Tennessee Public Service Commission or other state or federal agency having jurisdiction in such matters. Provided, however, this paragraph shall not affect existing contracts or franchises.

(g) To provide for the acquisition, construction, building, operation and maintenance of: public ways; parks; public grounds; cemeteries; markets and market houses; public buildings; libraries; sewers; drains; sewage treatment plants; airports; hospitals; water works; docks; gas works; marinas; town forests; tree and shrub nurseries; heliports; terminals; parking garages and lots; industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentive, penal and medical institutions, agencies, and facilities; and to regulate the use thereof. Such property may be either acquired or taken pursuant to the general law for such purposes.

(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 material.

(i) To make regulations to secure the general health of the inhabitants and to prevent, abate and remove nuisances. The term "nuisances" shall include, but not be limited to, old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The Town may require the cutting of grass. The Town shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense,

including fines, penalties and interest, shall be secured by lien upon the property by 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 costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts. The Board by ordinance may prescribe penalties and interest for delinquency.

(l) To define, regulate, and prohibit any act, practice, conduct or use of 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 regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of the 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.

(n) To regulate and license vehicles operated for public transportation 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.

(o) To provide that the violation of any ordinance, rules, regulation or order shall be punishable by fine, penalty or forfeiture not to exceed \$50 and costs.

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

(q) 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, morals and general welfare of the Town and its inhabitants, 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 cities by the constitution or general laws of the state.

(r) To dispatch fire equipment within and without the corporate limits, provided that the council shall prescribe by ordinance rules for dispatching and operation of fire equipment outside the corporate limits, and to establish, maintain and enforce fire prevention regulations therein.

Section 1.05. Repealer. The following acts are hereby repealed in their entirety:

Charter of Incorporation, Chapter 200 of the Private Acts of 1915, p. 773.

Chapter 363 of the Private Acts of 1925 p. 1344.

Chapter 62 of the Private Acts of 1967, p. 247.

ARTICLE II

BOARD OF MAYOR AND ALDERMEN ELECTIONS

Section 2.01. Election of Mayor and Aldermen.

(a) On the first Thursday in August, 1996, a nonpartisan election shall be conducted by the County Election Commission at the same hours and places for holding the General Election held on that date, and under the General Election laws of the State to elect a Mayor and four (4) Aldermen from the town at large. The current incumbent Mayor and Aldermen shall serve until their successors are elected and qualified. Any elector who is eighteen (18) years of age or over and has been a resident of the town for at least two (2) years may be qualified as a candidate for Aldermen by filing a nominating petition with the county election commission in accordance with Tennessee Code Annotated, Section 2-5-101. Any elector who is twenty-one (21) years of age or over and has been a resident of the town for at least two (2) years may be qualified as a candidate for mayor by filing a nominating petition with the county election commission in accordance with Tennessee Code Annotated, Section 2-5-101.

(b) The nominating petition shall be prepared in substantially the following form:

We, the undersigned electors of the Town of Baileyton, hereby nominate _____, whose residence is _____, for the office of Aldermen (Mayor), to be voted for at the election to be held on the _____ day of _____, (year); and we individually certify that we are registered voters.

Date _____ Name _____ Address _____

Signature _____

(c) Persons nominated may withdraw their nominations by written notice to the County Election Commission in accordance with Tennessee Code Annotated, Section 2-5-204. 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 candidate for Mayor for a four-year term in the election to be held on the first Thursday in August, 1996, and in the elections to be held every four (4) years thereafter. Each elector shall be entitled to vote for four (4) candidates for Alderman in the election to be held on the first Thursday in August, 1996. In the election to be held in August, 1996, the two (2) candidates for Alderman who receive the highest and second-highest numbers of votes shall be elected to terms of four (4) years. In the election to be held in August, 1996, the two (2) candidates for Alderman who receive the third and fourth-highest number of votes shall be elected to terms of two (2) years. Thereafter, an election shall be held on the first Thursday in August of each even-numbered year. In the election of August, 1998, and every four (4) years thereafter, there shall be elected, in the same manner described above, two (2) Aldermen for four (4) year terms. In the election of August, 2000, and every four (4) years thereafter, there shall be elected, in the same manner described above, a Mayor and two (2) Aldermen for four (4) year terms. The terms of office of the Mayor and Aldermen shall begin at 7:00 p.m. on the first Monday in September following their election, and they shall serve 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 the State. [As replaced by Priv. Acts 1995, ch. 25]

Section 2.02. Town Board—composition; salaries of Mayor and Aldermen; meeting; quorum.

(a) The Mayor and four Aldermen elected under this Charter, and the incumbent Aldermen, until the expiration of their current terms of office, shall comprise the Board, in which is vested all corporate, legislative and other powers of the Town, except as otherwise provided in the Charter.

(b) The salary of the Mayor shall be six hundred dollars (\$600) annually, and each Aldermen shall receive a salary of three hundred dollars (\$300) annually. Salaries may be changed at any time by ordinance, provided, however, if the salaries are raised, they shall not become effective until after the next biennial election of Town officials. The salary of the Mayor or Aldermen shall not be altered prior to the end of the term for which such officer was elected. The Mayor, Aldermen and employees or agents of the Town shall 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 may meet in special session on written notice of the Mayor or any two Aldermen and served on the other members of the Board personally at least 24 hours in advance of the meeting. The Board may meet in emergency session on oral notice of the Mayor or any two Aldermen. The Board shall have the authority in public assembled session with a quorum present, either regular or special, to exercise all expressly granted or implied powers.

(d) Two Aldermen and the Mayor shall constitute a quorum; however, during the absence of the Mayor, the Vice Mayor shall preside over the deliberations. The Board may by ordinance adopt rules and by-laws 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 2.03. Mayor as presiding officer; Mayor to sign ordinances and resolutions; duties of Mayor. The Mayor shall preside at the meetings of the Board and shall vote. The Mayor shall be recognized as the ceremonial head of

the Town. He shall be the officer to accept process against the Town, and shall perform other duties as imposed by this Charter and by ordinances not inconsistent with this Charter.

Section 2.04. Vice Mayor—election; duties. The Board at the first regular meeting after the newly elected Aldermen have taken office following each biennial election, shall appoint from its membership a Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or inability to act, and shall complete any unexpired term in the office of Mayor, in which case an Aldermen shall be selected by majority vote of the Board to serve the unexpired term as Vice Mayor.

Section 2.05. Vacancy in office of Mayor or Aldermen; effect of malfeasance, etc. A vacancy shall exist if the Mayor or an Alderman resigns, dies, moves his residence from the Town, is convicted, in the ordinary sense of the word, of malfeasance or misfeasance in office, a felony, a violation of this Charter, or election laws of the state, or a crime involving a moral turpitude, fails to attend any meetings of the council for a period of 90 days with no extenuating circumstances, or has been continuously disabled for a period of 90 days 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 findings 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 10 years thereafter.

The remaining Aldermen shall appoint a qualified person to fill a vacancy in the office of Aldermen for the remainder of the unexpired term.

If a vacancy occurs within six months, or less prior to a regular election, the Board shall leave the position vacant until the next regular election.

Section 2.06. Town legislation—when ordinances necessary; required wording; readings required; emergency ordinances; official code; standard codes; publication.

(a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises, authorizing the borrowing of money, conveying or leasing or 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 done only by ordinance. Other actions of the Board may be accomplished by resolutions or

motions. Ordinances and resolutions shall be 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 Mayor and Aldermen of the Town of Baileyton". No action of the Board of Aldermen shall be valid or binding unless approved by the affirmative vote of at least a majority 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 except an emergency ordinance must be approved on two (2) readings not less than one week apart, and shall become effective after final approval unless its terms provide a later effective date. Every ordinance shall be read by caption only at each reading. Each resolution shall be read by caption only and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on two (2) readings on separate days 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 90 days. Appropriations, revenues, franchises, levy of taxes or special privileges shall not be passed as emergency ordinances. Borrowing money may be passed as an emergency ordinance but must be paid back the same or following fiscal year.

(b) The Board shall have the general and 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 council may deem desirable. Procedure prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(d) The original copies of ordinances, resolutions, contracts and other documents shall be filed and preserved by the Town Recorder.

ARTICLE III

ORGANIZATION AND PERSONNEL

Section 3.01. Organization of Town government. There are hereby established the following departments and commissioners of such departments with the following duties and powers:

(a) The Department of Finance and Budget is hereby established and shall be responsible to the Mayor. This Department shall be responsible for all matters pertaining to the accounts, finances and revenues. The Mayor shall be responsible for submitting an annual budget each fiscal year to the Board. A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Board member.

(b) The Department of Police is hereby established and shall be responsible to the Commissioner of Police. This Department shall be responsible for all matters pertaining to such department and law enforcement in the Town. The Police Commissioner shall be the head of and have supervision of the Police Department and all matters pertaining thereto.

(c) The Department of Fire is hereby established and shall be responsible to the Commissioners of Fire. This Department shall be responsible for all matters pertaining to such department and fire prevention. The Fire Commissioner shall be the head of and have supervision of the Department.

(d) The Department of Streets, Sanitation and Building Permits is hereby established and shall be responsible to the Streets, Sanitation and Building Permit Commissioner. This Department shall embrace all matters pertaining to: streets, including sidewalks, sewers, bridges and drainage; garbage collection and disposal; and buildings and code enforcement. The Streets, Sanitation and Building Permit Commissioner shall be the head of and have supervision of the Department of Streets, Sanitation and Building Permits and all matters pertaining thereto.

(e) The Department of Sewer is hereby established and shall be responsible to the Commissioner of Sewer. This Department shall embrace all matters pertaining to the sewer enterprise of the Town. The Commissioner of Sewer shall be the head of and have supervision of the Department and all matters pertaining thereto.

(f) The Department of Parks and Recreation is hereby established and shall be responsible to the Commissioner of Parks and Recreation. This Department shall embrace all matters pertaining to parks, playgrounds, recreation and public grounds. The Commissioner of Parks and Recreation shall be the head of and have supervision of the Department and all matters pertaining thereto.

(g) The Board by ordinance may establish, abolish, merge or consolidate offices, positions of employment, departments and agencies of the Town, including but not limited to, directors for said departments or chiefs for the Fire and Police Departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function and duties of offices, positions of employment, department and agencies of the Town. Provided, however the number of members of the Board shall not be changed, the office of the Mayor shall not be abolished and the Town Recorder shall also be director of the Department of Finance.

Section 3.02. Administrative duties of Mayor. The Mayor shall be the executive head of the Town government and shall appoint the commissioners of the Town's departments, and shall in conjunction with the commissioners be responsible for the efficient and orderly administration of the affairs of the Town. He shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises of the Town. The Town Attorney shall take such legal action as the Mayor and Board may direct for such purposes. The Mayor 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—appointment and duties. The Board shall appoint a Town Recorder who shall have the following powers and duties, or such other powers and duties as may be provided by ordinance not inconsistent with this Charter:

(a) To keep and preserve the Town's 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 Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote of each Alderman 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 his office. Fees for such services may be established by ordinances, to be deposited into the Town treasury.

(d) To serve as head of the Department of Finance and Budget.

Section 3.04. Town Attorney—appointment and duties. The Board shall appoint a Town Attorney, and such Assistant Town Attorneys as may be authorized by ordinance. The Town Attorney, or an Assistant Town Attorney designated by the Board, 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; attending meetings of the Board as required by the Board; advising the Board, Mayor and other officers and employees of the Town concerning legal aspects of their duties and responsibilities; approving as to 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 of Mayor.

Section 3.05. Town court.

(a) Town Judge—term. A Judge, who shall constitute the municipal court, shall be elected by the Board of Mayor and Aldermen for a six (6) year term.

(b) Jurisdiction, powers, compensation. The jurisdiction of the Town Judge shall extend to the trial of all offenses against the ordinances of the Town, or other jurisdiction as may be granted to the municipality by the state, and costs in such trials shall be fixed by ordinance subject to approval of the Board. The Town Judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths and to maintain order including the power to punish for contempt of court

as provided by general law. The sole compensation for serving as Town Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the Town and shall be paid into the Town treasury.

(c) Bail. The bail of persons arrested and awaiting trial and persons appealing a decision of the Town Judge shall be fixed by the Town Judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the Town Judge as provided by ordinance; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be triplicate: original to the depositor, a copy and the money to the Town Recorder and a copy to the Town Judge within 24 hours after arrest.

(d) Fines and Costs. Fines and costs may be paid by installment to be fixed and security determined as provided by ordinance. Upon failure to pay fines and costs or to furnish security, the Town Judge shall commit the offender to the county jail or workhouse until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no persons shall be continuously confined in excess of 60 days. Receipts of the Town court shall be deposited daily with the Town Recorder and the Town Judge shall make monthly reports thereof to the Board.

(e) Docket. The Town Judge shall keep a docket of all cases handled by him.

(f) Separation of powers. The Town Judge shall be exclusive judge of the law and 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—salaries. Only the offices and positions of employment provided for in the annual budget, or as specifically approved by the Board, shall be filled. Salaries for all positions shall be in accordance with a pay plan adopted by ordinance at the beginning of the fiscal year. 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. Employees—appointment and promotion; removal or suspension; appeal and hearing. 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 along with the Commissioner for each department 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, as may be provided for by ordinance, with all actions subject to the approval of the Board. Before removal or suspension, an employee shall be given a written notice of intention to suspend or remove him, containing a clear statement of the grounds for such proposed action and notification that he may appeal to the Board by filing, within 10 days, with the Town Recorder written notice of his 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 20 days thereafter. The votes of three Aldermen shall be required to override the suspension or removal, and the action of the Board shall be the final determination of the matter. A suspension may be with partial or entire loss of salary, but if the suspension is overruled by the Board any loss of salary shall be paid to the employee.

Section 3.08. Personnel rules. The Board shall 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, he shall subscribe to the following oath or affirmation, administered by any magistrate:

"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 Baileyton, 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, and 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 amounts as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board. The cost of such bond 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.

Section 3.11. Political activity prohibited. No employee of the Town shall continue in the employment of the Town after becoming a candidate for nomination or election to any Town elected office, but this provision shall not apply to the Mayor, Aldermen or members of boards in connection with employment by the Town government. No person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the Town in connection with any Town election. Upon a finding that a person, by himself or with others willfully or corruptly violated any provisions of this section, such person shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the Town government for a period of five years thereafter.

ARTICLE IV

FISCAL ADMINISTRATION

Section 4.01. Fiscal year. The fiscal year of the Town government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year, unless otherwise provided by ordinance or general law.

Section 4.02. Mayor to submit annual budget. Not later than 45 days prior to the beginning of each fiscal year, the Mayor and Finance and Budget Commissioner 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 preceding 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 current fiscal year; and
- (e) any other information and data, such as work programs and unit costs, in justification of recommended

expenditures that may be considered necessary by the Mayor and Commissioner or requested by the Board. They may recommend and estimate receipts from additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message containing a statement of the general fiscal policies of the Town, the important features of the budget, explanation 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 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 Alderman.

Section 4.03. Capital improvement budget. A capital improvement budget may also be prepared to include a description of projects recommended for the ensuing year. The capital improvement budget shall be reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the Mayor to the Board concurrently with the annual budget. The Board may accept, reject or revise the capital improvement budget as it deems desirable.

Section 4.04. Public hearing. After receiving the proposed budget, the Board shall fix a time and place for a public hearing thereon, and shall cause a public notice thereof and an announcement of where and when the full budget may be examined, to be published two times in a newspaper of general circulation in the Town, the last such publication to be at least 10 days in advance of the date of the hearing. The public hearing shall be held before the Board at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard.

Section 4.05. Action by Board on budget—emergencies; amendments; reallocation; monthly reports by Mayor. After the public hearing and before the beginning of the 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 appropriations for the new fiscal year, subject to amendment as

provided in this section. Amendment may be made to the original appropriation ordinance at any time during a current fiscal year after 10 days notice published in the newspaper and a public hearing before the Board. Appropriations, except emergency appropriations as provided above, may be increased during the year only after the Mayor certifies in writing that a sufficient amount of unappropriated revenue will be available. Funds may be reappropriated, reallocated or reobligated between departments, activities or agencies within a single fund account, i.e.: The General Fund Account, The Utility Fund Account, The Street Aid Fund Account, etc., with the consent of the Board which has been duly entered upon the minutes thereof. Transfers of funds between fund accounts, not to exceed the original total appropriations of all funds, may be made by resolution. Any portion of an annual budget remaining unexpended and unencumbered at the close of the 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 the fiscal year may remain to the credit of such fund and be subject to further appropriation. At the end of each month the Finance and Budget Commissioner 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 4.06. Control of expenditures. The Mayor, subject to the approval of the Board, shall be responsible for controlling expenditures of the various agencies of the Town government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

Section 4.07. Centralized purchasing.

(a) Purchases or contracts of more than \$5,000 shall require prior approval of the Board, and except for minor items used infrequently or items which must be obtained immediately to avoid disruption of services, shall be subject to competitive bid, subject to such regulations as may be provided by ordinance. Any expenditure or contract for more than \$10,000 shall be made only after sealed bids have been invited. Purchases and contracts shall be awarded to the lowest responsible bidder, but all invitations to bid shall state that the Town reserves the right to reject any and all bids. The Board may waive the requirements to obtain bids when there is only one source of supply or when such action is in the best interest of the Town, providing the reasons for any such waiver are made a matter of record. Bid records shall be preserved for a period of not less than two years. Bids need not be taken for professional services and services for which the rates or prices are regulated by public authority, not shall competitive bidding be

required for purchases from other governmental agencies. [As amended by Priv. Acts 2011, ch. 15, §§ 1 and 2]

Section 4.08. Unauthorized contract or expenditure. Any contract or agreement made in violation of the provisions of this Chapter 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 on 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 employee shall be cause for his removal.

Section 4.09. Sale of Town property. The Mayor may sell Town property which is obsolete, surplus or unusable, after advertisement in a local newspaper by sealed bids or a public auction; provided, however, that any sale for more than \$500 or any sale of real estate shall be subject to approval by the Board. The Mayor may sell any item valued at less than \$100 without taking bids, but each such sale shall be reported to the Board at its next meeting.

Section 4.10. Annual audit. Within 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 determination of legality of transactions, mathematical accuracy of records, complete accountability and application of accepted municipal accounting principles. It shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles and any applicable state and/or federal audit guidelines. The audit shall be completed and a report, including a summary for publication, shall be submitted to the Board within 90 days after the end of the fiscal year.

Section 4.11. 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 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 100 percent of the contract price. The Board may waive these requirements for contracts under \$5,000.

Section 4.12. Property taxes. All property subject to taxation shall be subject to the property tax levied by the county. The Board shall use county assessments and assess all property subject to taxation except property assessed by the State Public Service Commission.

Section 4.13. 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 4.14. Disbursements by checks. All disbursements, except for any agency of the Town administered by a board or commission, shall be made by checks signed by the Town Recorder and countersigned by the Mayor and/or the Vice 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 4.15. 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 4.16. Accounting. The financial records of the Town will be established and maintained in general conformity with the accounts and procedures recommended by the office of the Comptroller, State of Tennessee, the Government Finance Officers Association or other nationally recognized authority on municipal accounting.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 5.01. Other general laws may be used by Town. Notwithstanding any provisions of this Charter, the Board may elect to operate 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 5.02. Penalties. Upon finding that a person violated any provision of this Charter, for which a penalty is not specifically provided herein, such person shall be fined not more than fifty dollars (\$50). Any person failing to pay a fine and costs shall be committed to the workhouse to work out the fine and costs at the rate of five dollars (\$5) per day.

Section 5.03. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of the Town of Baileyton. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board and certified by him to the Secretary of State.

Section 5.04. 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 5.03.

PASSED: April 19, 1994

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

s./Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9 day of May 1994

s./Ned McWherter
NED McWHERTER, GOVERNOR

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

YEAR	CHAPTER	SUBJECT
1994	192	Basic charter act.
1995	25	Replaced Art. II § 2.01, Election of Mayor and Aldermen.
2011	15	Amended Art. IV § 4.07(a), Centralized purchasing.