

CHARTER FOR THE CITY OF ROCKWOOD, TENNESSEE¹

CHAPTER NO. 289

HOUSE BILL NO. 2555

By Ledford, Henry (Roane)

Substituted for: Senate Bill No. 2528

By Elkins, O'Brien

AN ACT to amend Chapter 327 of the Acts of 1903, and all acts amendatory thereto, being the charter of the City of Rockwood in Roane County, Tennessee.

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¹The Charter of the City of Rockwood, being Chapter 327, Acts of the General Assembly of the State of Tennessee of 1903 and all acts amendatory thereto, were comprehensively revised in 1980 to read as set forth in Chapter 289, Private Acts of the State of Tennessee passed by the Ninety-first General Assembly, 1979-1980. As set forth herein, no changes have been made in the Charter as enacted and revised by the General Assembly except that a table of contents and some explanatory footnotes have been included. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2021 session of the Tennessee General Assembly and is current with the laws from the 2023 Regular Session of the 113th 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.

Bond authorization acts and all other private acts which have been enacted for the city since 1903 are listed herein at the end of the charter for historical reference.

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

SECTION 1. Chapter 327 of the Acts of 1903, and all acts amendatory thereto, being the charter for the city of Rockwood in Roane County, Tennessee, is further amended to read as follows:

ARTICLE I

Incorporation, Name, Etc.

Section 1. The City of Rockwood, in Roane County, Tennessee, and the inhabitants thereof, be and the same are hereby constituted a body politic and corporate under and by the name and style of "City of Rockwood," and shall have perpetual succession; that by this name and style may sue and be sued, plead and be impleaded, contract and be contracted with, grant, receive, purchase and hold real, personal and mixed property, and dispose of same for the benefit of said City, and may have a corporate seal.

ARTICLE II

Powers

Section 1. All powers granted to cities incorporated under the general law, Section 6-202, Tennessee Code Annotated, and to cities incorporated under the Uniform City Manager Charter, Sections 6-1901 and 6-1902, Tennessee Code Annotated, except as otherwise provided in this charter, and all general laws delegating powers to incorporated cities and towns are hereby adopted by reference and made a part of this charter, and the repeal of any of these laws shall have no effect on this charter unless the repealing law expressly denies the power to cities.

ARTICLE III

Elections

Section 1. Elective Offices. Elective offices of the City shall be that of Mayor and six Councilmen, to be elected from the City at large.

Section 2. Nomination of Mayor and Councilmen. Any person eligible for the office of Mayor shall have his name placed on the ballot as a candidate upon filing with the County Commissioners of Elections not less than 45 nor more than 60 days prior to the day of the election a petition signed by not less than 25 qualified voters of the City. The petition shall be headed, "Petition. To the Commissioners of Elections, Roane County, Tennessee. We hereby nominate..... for office of Mayor of Rockwood, Tennessee in the election to be held..... We request that his name be printed on the ballot." The legal address of each signer shall be stated opposite his signature. The person obtaining the signatures shall certify under oath after the last signature on the petition that he is acquainted with each signer and that each signer signed in his presence. Any person eligible for the office of Councilman shall be nominated for this position in the same manner as candidates for Mayor are nominated.

Section 3. Qualification and Registration of Voters. Any person who is a registered voter for members of the General Assembly and other constitutional officers for Roane County, and who lives within the Corporate limits of the City

of Rockwood for 60 days preceding the date of the election shall be entitled to vote for Mayor and Councilmen. The same qualifications for voting in all other City elections or referenda shall apply unless otherwise specifically provided by general law.

Section 4. Time, Place, and Manner for Holding Elections. Beginning with the regular November election to be held in November 2014, and bi-annually thereafter, the Mayor and Councilpersons shall be elected by the qualified voters of said city, at an election held bi-annually on the date of the general state election, held on the first Tuesday after the first Monday in Tennessee of even-numbered years in accordance with the general election laws of the State of Tennessee. Candidates shall be listed on the ballots without indication of their party affiliations. The term of office for Mayor and all Councilpersons elected in June 2009 shall be extended to December 1, 2014, to expire at 12:00 noon. Likewise, the term of office for all Councilpersons elected in June 2011 shall be extended to December 1, 2016, to expire at 12:00 noon. In each and every regular City election thereafter, the seats then becoming vacant shall be filled by persons elected for terms of four (4) years. The Mayor and Councilpersons shall serve during their terms of office, or until their successors are elected and qualified. In the event of failure to elect because of a tie in the votes cast, the Commissioner of Elections shall immediately call a run-off election. [As amended by Priv. Acts 1996, ch. 171; and replaced by Priv. Acts 2014, ch. 43, § 1]

Section 5. Election Offenses. It shall be unlawful for any candidate for office or any officer of the City, directly or indirectly, to pay, give, or offer to pay or give, or promise directly or indirectly money, office, position, employment, benefit, or anything of value to any person, or to knowingly suffer any person to do so for the purpose of obtaining the political support, aid, vote, or influence of any voter or for obtaining his vote or influence against any opposing candidate. Any person violating this provision shall be punished by a fine of not more than Fifty (\$50.00) Dollars for each offense, and shall be disqualified from holding the office of Mayor or Councilman for five (5) years.

Section 6. Recall Elections. Subject to the provisions of Section 9 of this article, elections for the removal by recall of officers shall be held not less than ninety (90) days from the receipt by the Commissioners of Elections of a petition signed by at least fifteen percent (15%) of the registered voters of the City demanding recall. A separate petition shall be required for each officer sought to be recalled, and shall name the officer and contain a general statement of the grounds upon which the recall is sought. Each petitioner shall state after his/her

signature his/her address and the date of signing. Signatures may be on separate sheets, but each sheet shall contain the affidavit of the person obtaining the signatures, who must be a registered voter of the City, that to the best of his/her knowledge and belief, each signer is a registered voter of the City, and that each person signed his/her own name in the presence of the affiant and on the date stated after the signature. The petition must be filed within seventy-five (75) days after the Commissioner of Elections certifies the petition to be in proper form in accordance with Tennessee Code Annotated § 2-5-151 (c). The Commissioner of Elections shall determine the sufficiency of the petition within thirty (30) days of filing the completed petition. If the petition is found sufficient, the officer named in it shall be given notice immediately by registered or certified mail that a recall petition naming such officer has been filed and found sufficient and the date of the election. Resignation of an officer shall terminate recall proceedings against such officer, but no resignation shall be effective if made less than fifteen (15) days preceding the date fixed for the election. Recall elections to be held pursuant to petitions filed within ninety (90) days of a regular city election, a general state election or any other election in which the registered voters of the City shall be entitled to vote shall be held at that election. Recall elections shall not be held more than once in any calendar year. [As replaced by Priv. Acts 2014, ch. 43, § 2]

Section 7. Recall Ballots. For each officer subject to recall, the ballot shall have the following question "Shall (name of officer) be recalled from the office of (name of office)?" followed by the words "Yes" and "No" so that the voter can intelligently vote his preference by making a cross mark opposite the proper word.

Section 8. Removal. The office of the person recalled shall be vacant upon certification of the Commissioners of Elections that a majority of the votes cast were for recall.

Section 9. Recall of Majority or More of Council. Should a petition for the recall of a majority or more of the members of the Council be filed with the Commissioners of Elections, the election shall not be for removal, but shall be conducted in the same manner as a new election, except that terms shall be for the unexpired terms of incumbent Councilmen. However, each incumbent shall run for his own unexpired term and other candidates shall be elected, in accordance with plurality of votes, to the term commensurate with the number of votes received. New candidates shall qualify in the same manner as for

regular elections, as provided herein, but incumbent Councilmen shall be relieved of qualifying and may be qualified by announcing their candidacy. The term limitations provision elsewhere in this charter shall not apply to the partial terms of newly elected Councilmen under this provision.

ARTICLE IV

City Council

Section 1. Qualification of Members. The governing body of the City shall consist of a Mayor and Six Councilmen to be known officially as the "City Council" or "Council." Any resident of the City of Rockwood who is a registered voter of the City and who shall be at least twenty-one (21) years old on the day of the election and a resident of the City for one (1) year next preceding the election shall be eligible for the office of Mayor or Councilman. No person who has been elected to the office of Mayor or Councilman twice consecutively or to the offices of Mayor and Councilman in succession shall be eligible for election a third consecutive time. No person shall be eligible for the office of Mayor or Councilman who shall have been convicted of misfeasance or malfeasance in office, bribery, or other corrupt practice or crime, or of violating any of the provisions of this charter, and if the Mayor or a Councilman shall be so convicted, he shall forfeit his office.

No member of Council shall be eligible to serve on any board except as provided by law.

Section 2. Term of Office, Oath, Compensation. The Mayor and Councilmen shall take office at 12:00 noon, December 1, following their election unless that date falls on Sunday, in which event they shall take office at 12:00 noon, December 2. The term of the Mayor shall be four (4) years. The term of Councilperson shall also be four (4) years. The mayoral and three (3) council positions shall be filled during one (1) election. Two (2) years later, an election shall be held to fill the remaining three (3) council positions.

In the 1969 regular city election, the first, second and third place candidates for Council in the number of votes received shall be elected to four (4) year terms, and fourth, fifth, and sixth place candidates shall be elected to two (2) year terms. Thereafter, all successors to Councilpersons whose terms expire shall be elected to four (4) year terms.

In the event of a tie vote between two (2) or more persons having the highest number of votes for the office of Mayor or for Councilperson, the City Council may cast the deciding vote, or in the alternative, the City

Council may by resolution call for a run-off election between the tied candidates.

The Mayor and Councilmen shall serve during their term of office and until their successors are elected and qualified. Before entering upon the duties of their offices, the Mayor and Councilmen shall take oath before any officer authorized to administer oaths to discharge honestly and faithfully the duties of their respective offices. The Mayor who takes office on December 1, 2014, and each Mayor who takes office thereafter, shall be paid one hundred fifty dollars (\$150.00) monthly, and shall receive no other compensation for service as Mayor. The Councilpersons who take office on December 1, 2014, and all Councilpersons who take office thereafter, including, but not limited to the Councilpersons who take office on December 1, 2016, shall be paid the sum of one hundred dollars (\$100.00) monthly, and they shall receive no other compensation in any form for their service. [As replaced by Priv. Acts 2014, ch. 43, § 3]

Section 3. Vacancies. The office of Mayor or Councilman shall become vacant upon the office holder's death, resignation, removal of residence from the City, or removal from office in any manner authorized by law or forfeiture of office. Vacancies shall be filled until the next regular city election by affirmative vote of a majority of the remaining members, and any unexpired term beyond the next regular election shall be filled by the voters. In the filling of vacancies, the Mayor shall have a vote. A Councilperson may be appointed to fill a vacancy in the office of Mayor by a majority vote of the other Council Members voting. No Councilperson shall vote for his or her own appointment to fill such a vacancy. An abstention shall be considered a non-vote, neither for nor against the matter under consideration. [As replaced by Priv. Acts 2014, ch. 43, § 4]

Section 4. Recall. The Mayor or any Councilman may be removed from office, or required to run for office during his term, in a recall election as provided in Article III. No person removed from office by recall, either under Section 6 or Section 9 of Article III or who has resigned from such office after a recall petition has been filed and found sufficient by the Commissioners of Elections shall be eligible to any office of the City within four (4) years after his removal or resignation.

ARTICLE V

Legislative Procedure of the Council

Section 1. Exercise of Powers, Meetings, Procedure. The exercise of all powers granted in this charter or by general law is vested in the Mayor and City Council, except as otherwise specifically provided. The Council shall speak solely

through its minutes or journal entries which shall be kept in a bound book and authenticated by the presiding officer and the Recorder. The Council shall, by ordinance, fix the time and place of regular council meetings. Until changed by ordinance, regular meetings shall be on the fourth Monday of each month at 6:00 P.M. at the City Hall. Special meetings may be called by the Mayor or by at least two (2) Councilmembers on forty-eight (48) hours' notice, or shorter in case of emergency, and notice must be served personally on the other members of the Council by the Mayor, a Council Member, or a police officer. The notice shall indicate in a general way the business to be considered, and any business not embraced in the emergency notice shall not be considered unless the Mayor and all Councilmembers are present. A copy of the notice shall be made available to the news media.

The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor and Vice-Mayor, the Council members constituting a quorum may designate one of their numbers to act as presiding officer. Except as provided in Article IV, Section 3, four (4) members of the Council, the Mayor being a member thereof, shall constitute a quorum. An affirmative vote of a majority of the votes being cast shall be required for the passage of any ordinance, resolution, or motion, even if an equal or greater number of the quorum present refuses to vote or fails to vote. An abstention shall be considered a non-vote, neither for nor against the matter at issue. The Mayor shall have a vote on all matters, but no veto power. The Council may by ordinance or resolution establish its own rules of procedure not inconsistent with this charter, and may punish by fine not to exceed fifty dollars (\$50.00) any person who shall be guilty of disorderly conduct at any meeting of the Council. All meetings of the Council shall be open to the public. [As replaced by Priv. Acts 2014, ch. 43, § 5]

Section 2. Ordinance Adoption. Except as otherwise provided, ordinances shall be passed in the following manner. Every proposed ordinance shall be in writing. After adoption of a code of ordinances, each ordinance of a general and permanent nature shall be adopted, as far as practicable, as amending or adding a numbered section of the code. Any ordinance which amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or sub-sections amended. Each ordinance shall be read and passed at two separate meetings, which may be regular or special, but which shall be at least ten days apart. After passage, each ordinance shall be authenticated by the Mayor and Recorder or by two Councilmen, and placed in a binder. The body of ordinances may be omitted from the minutes of the Council, but reference therein shall be made to the ordinance by number and subject matter.

ARTICLE VI

Administration

Section 1. Administrative Organization. The Council shall by ordinance provide the administrative organization of the City not provided for in this charter. In addition to the offices provided by this charter, the Council may create such offices and positions of employment as deemed necessary for the efficient operation of the city, and shall fix the compensation for offices and positions created. All offices and positions of employment at the level of department head or above shall be filled by the Council upon recommendation of the Mayor and all such officers and employees shall serve at the will of the Council. All officers and employees who are authorized to receive or to have custody of public funds shall give bond acceptable to and in an amount to be determined by the Council. The cost of bonds of officers and employees may be made an expense of the City, and instead of individual bonds, a blanket bond may be used. All officers, whether their offices are provided by this charter or the Council, shall before entering upon the duties of office take the oath required of the Mayor and Councilmen. In the temporary absence of any officer or vacancy in any office, other than Councilman, that required Council appointment to fill, the Mayor shall appoint some qualified person to serve during the absence or temporarily until the Council fills the vacancy.

Section 2. Duties of the Mayor -- Vice Mayor. The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the Mayor's office as may be imposed by it, and the Mayor shall have a seat, a voice, and a vote on all ordinances, resolutions, motions, and matters coming before the City Council. The Mayor shall sign the journal of the Council, and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the City. The Mayor may introduce ordinances and resolutions in the City Council. The Mayor shall have the power, and it is hereby made the Mayor's duty to perform all acts that may be required of the Mayor by any ordinance duly enacted by the City Council not in conflict with any of the provisions of this charter. The Mayor shall receive all legal process against the City and it shall be the Mayor's duty forthwith to transport the process to City Council and the City Attorney. The Mayor shall serve as an ex-officio member of all Boards, Commissions, and Committees.

The Vice-Mayor shall assume the duties of the Mayor when the Mayor is absent from the City or temporarily incapacitated. Should a permanent vacancy occur in the office of the Mayor, the Vice Mayor shall assume the duties of the Mayor until the City Council elects a new Mayor.

At the first meeting of the City Council after their installation as Council Members, Council shall choose a Vice Mayor from the Council Members remaining on Council from the city election held two (2) years previously. The term of Vice Mayor shall be for two (2) years. [As replaced by Priv. Acts 2014, ch. 43, § 6]

Section 3. Duties of Officers. That any omission of this charter in defining the duty or authority of any officer not otherwise defined by law which is necessary to carry out properly the provisions of this charter shall be supplied by the Council.

Section 4. City Judge -- Appointment, Term, Jurisdiction, Compensation. That there shall be a City Court for the City of Rockwood. A City Judge who shall constitute the City Court may be appointed by the Council to serve at the will of the Council or for a term to be fixed by ordinance. He shall be not less than twenty-one (21) years of age and shall take the oath prescribed for the Mayor and Councilmen. The Recorder may be appointed to this office. The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the City. Costs in trials of offenses against the ordinances of the City shall be provided by ordinance. The City 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 fine for contempt. The sole compensation for serving as City Judge shall be a salary fixed by the Council.

Section 5. Bail, Fines and Cost, Docket. Bail of persons arrested and waiting trial and persons appealing the decision of the City Judge shall be fixed by the City Judge and upon such security as in his direction he deems necessary or as otherwise provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officials other than the City Judge as provided by ordinance. But no official shall accept cash bail except upon conditions fixed by ordinance whereby the person arrested shall be given a receipt, which shall explain the nature of the deposit. The receipt shall be in duplicate and a copy with the money received shall be deposited with the City Judge within twenty-four (24) hours of the arrest. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon failure to pay fines and costs or to furnish security, the City Judge shall commit the offender to the City jail or workhouse until such fines and cost have been paid. For each day's confinement, the offender shall be credited with Five (\$5.00) Dollars, but in no instance shall confinement be in excess of Ten (10) days. A monthly report shall be made to the Council of all revenues of the Court. The City Judge shall keep a docket of all cases handled by him.

Section 6. Separation of Powers. The City Judge shall be exclusive judge of the law and the facts in every case before him, and no official or employee of the City shall attempt to influence his decision except through pertinent facts presented in court.

Section 7. Recorder, Appointment, Term, Compensation, Duties. That a Recorder shall be appointed by the Council to serve a term of four years to serve concurrently with the Mayor and Councilmen or until his successor is appointed and qualified; provided he shall serve at the will of the Council if four Councilmen shall vote to dismiss him. The Recorder shall receive such compensation as shall be fixed by resolution. The immediate responsibility for the administration of all financial affairs of the City shall be that of the Recorder. He shall collect all taxes and receive all revenues, have custody of all funds and make all disbursements. The Recorder shall perform all clerical duties not delegated to another officer, shall act as clerk and secretary to and attend all meetings of the Council, and shall have custody of all public records and all official bonds; provided, however, that the bond of the Recorder shall be in the custody of the Mayor.

Section 8. City Attorney -- Appointment, Term, Compensation, Duties. The Council may appoint a City Attorney to serve at the will of the Council or for a term to be fixed by ordinance, with compensation to be determined by the Council. He shall have such authority and perform such acts and duties as the Council may prescribe.

ARTICLE VII

Finance

Section 1. Budget Preparation. As a prerequisite to the levy of property taxes, Council shall adopt annually a comprehensive budget for the ensuing year, and the budget shall be observed in making the property tax levy. It shall contain a schedule of revenues by source and a schedule of appropriations by departments and activity for each fund. In addition, a prediction of the balance of unappropriated surplus to be available for appropriation in the ensuing year from the prior year shall be made. A budget message shall be prepared by the Mayor, and it shall be made a part of the proposed budget. The budget message shall point up increases and decreases in the budget and the reasons therefore, highlights of the budget, and needed public improvements for the ensuing year and for the next five (5) years thereafter. The schedule of capital improvement needs for the next five (5) years shall be informational only and it shall not be considered an appropriation. A copy of the proposed budget and after adoption, the budget ordinance, shall be made available to any resident of the City.

The budget shall be prepared by the Mayor in consultation with the Councilmen. Items in the proposed budget may be increased, decreased, omitted, or new items may be added to the proposed budget by Council before adoption of the budget ordinance.

Section 2. Budget, Adoption. The budget ordinance shall after five (5) days' notice and public hearing, be finally adopted before the beginning of the fiscal year which shall be July 1 through June 30, and summary published. Adoption of the budget ordinance shall constitute an appropriation of the amounts listed for the stated purposes and a levy of a property tax at the rate stated. Unless otherwise required by law or contract, the property tax shall be levied by a single rate, and all revenues shall be credited to the general fund.

Section 3. Expenditures to be Within Appropriation. Except as otherwise permitted by law, no obligation shall be created or money spent until it shall have been determined that an appropriation in the annual budget ordinance has been made for that purpose and that there is unexpended in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. Provided, however, the budget may be amended quarterly by resolution after five (5) days' notice and public hearing so that there may be a reappropriation to meet changing conditions. Unencumbered appropriations shall lapse at the end of the fiscal year, and all unexpended funds shall be reappropriated.

Section 4. Borrowing -- Tax Anticipation. The Council, for the sole purpose of meeting the necessary expenditures for current operation of the City, is authorized to borrow money in accordance with the rules established by the Comptroller of the State of Tennessee.

Section 5. Borrowing -- Emergency. That in the event of an emergency, the nature of which shall be spread upon the minutes, the Council is authorized to borrow in any one fiscal year the amount necessary, and to appropriate the proceeds to meet the emergency. Such borrowing shall be upon negotiable notes signed by the Mayor and Recorder, who shall exert their best efforts to obtain lowest interest rates. Provision shall be made in the budget for the succeeding fiscal year for the payment of such notes.

Section 6. Accounting, Audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. Annual and monthly financial statements shall be prepared and constant and comprehensive budgetary control maintained. The same account titles shall be used throughout the accounting records, the budget and the financial statements. An audit of the financial affairs of the City shall

be made after the close of each fiscal year by an independent public accountant skilled in such work.

Section 7. Disbursements, Depositories. Except as otherwise provided in this charter or by general law, no purchase or order of or contract for any goods or services out of appropriated funds shall be made by any officer or employee of the City except upon authority of the Council as set forth in an approved budget ordinance. Disbursements shall be made in such manner as the Council by resolution shall direct. The Recorder shall determine that each claim against the City is correct and due, and shall approve each invoice before payment. The Council shall designate official depositories of City funds, and require such security as it deems necessary.

Section 8. Collection of Property Taxes. Not later than September 1, the Recorder shall make out the City tax book which shall be kept in the Recorder's office. The Recorder shall be the city tax collector, and in collecting taxes shall have all the powers of county trustees in collecting state and county taxes. Property taxes shall be due and payable the first of October of each year, and shall be delinquent the first day of March following. Delinquent taxes shall bear interest at the rate of one-half (1/2%) percent per month until paid, and in addition, the Council may by ordinance provide a schedule of penalties the total of which shall not exceed ten (10%) percent of the original delinquent tax.

Section 9. Collection of Delinquent Taxes. On the first Monday in April each year, the Recorder shall make a list of all delinquent taxes, and deliver it to a delinquent tax collector designated by the Council. In collecting delinquent City taxes, the collector shall have all the powers and duties and shall receive the compensation provided for collection of delinquent county taxes. Before receiving any payment of delinquent taxes, he shall give bond in an amount and under such conditions as the council may prescribe. The delinquent tax collector shall make his return on or before the first Monday in September. After the return of the delinquent tax collector and before the first day of October following the Recorder shall cause to be published once a week for two (2) consecutive weeks in a newspaper circulating in the City a list of all delinquent taxpayers with a notice that if taxes are not paid before the first day of November following, suits will be filed for enforcement of liens for taxes against land. On the first day of November following, the Council shall appoint a delinquent tax attorney who shall proceed to collect such delinquent taxes as provided by general law.

Section 10. Contracts. The City Council shall, by ordinance, establish dollar limits over which competitive bidding is required. Such limits shall not exceed the amount set in the Municipal Purchasing Law of 1983, codified at

Tennessee Code Annotated, Title 6, Chapter 56, Part 3. [As replaced by Priv. Acts 2004, ch. 113, and Priv. Acts 2011, ch. 32]

Section 11. "In Lieu of Tax" Payments on Electric System. All tax equivalent paid by the Electric System shall be placed in the general fund of the City of Rockwood and shall be collected in accordance with existing state laws.

ARTICLE VIII

Transitional and Miscellaneous Provisions

Section 1. Continuation of Old City -- Boundaries. This amendment continues the corporate existence of the City of Rockwood. The boundaries of the City at the time this amendment becomes effective shall be as fixed by Chapter 327, Acts of 1903 and all acts amendatory thereto and any annexations or detachments of territory made pursuant to law.¹

¹The corporate boundaries were described in Acts 1903, ch. 327, § 2. They have been extended by Priv. Acts 1913 (ES) ch. 4, and the following annexation ordinances of record in the recorder's office:

Ordinance No. 590, November 8, 1956

Ordinance No. 591, November 8, 1956

Ordinance No. 594, March 14, 1957

Ordinance No. 628, March 12, 1964

Ordinance No. 630, June 11, 1964, was abandoned by the mayor and board of commissioners by resolution dated July 21, 1965, after the annexation was attacked in court.

Ordinance No. 783, March 19, 1979

Ordinance No. 785, June 5, 1979

Ordinance No. 814, February 5, 1981

Ordinance No. 830, November 16, 1981

Ordinance No. 860, August 20, 1984

Ordinance No. 875, June 16, 1986

Ordinance No. 879, December 15, 1986, was abandoned by resolution dated January 19, 1987

Ordinance No. 882, April 6, 1987

Ordinance No. 883, June 15, 1987

Ordinance No. 904, September 18, 1989

Ordinance No. 918, November 19, 1990

Ordinance No. 919, December 17, 1990

Ordinance No. 932, October 21, 1991

Ordinance No. 935, January 20, 1992

(continued...)

Section 2. Existing Ordinances, Resolutions, Etc. All existing ordinances, resolutions or other actions of the City Council not inconsistent with this amendment shall remain in full force and effect until amended or repealed in the manner provided in this Charter.

Section 3. Operation and Control of the Electric System. The operation and control of the electric system shall be vested in the Electric Power Board of Rockwood by ordinance adopted in strict compliance with Tennessee Code Annotated, Title 7, Chapter 52; provided, however, the Electric Power Board of Rockwood shall consist of four (4) members appointed by the governing body of the City of Rockwood upon recommendation by the Mayor, and one (1) member from the City of Kingston appointed by the governing body of the City of Rockwood upon recommendation by the governing body of the City of Kingston. Three (3) members shall be residents of the City of Rockwood, one (1) member shall be a resident of the City of Kingston, and one (1) member shall be a resident of an unincorporated area served by such board. One (1) of the members who is a resident of the City of Rockwood shall be a member of the City Council. The other two (2) members from the City of Rockwood shall be property holders in the City, and shall be residents of the City of Rockwood for one (1) year preceding their appointment. The member from the City of Kingston shall be a property holder in said City, and shall be a resident of said City for one (1) year preceding the appointment. The member from the unincorporated area served by such board shall be a property holder in said unincorporated area and a resident in said unincorporated area for one (1) year preceding the appointment. Upon expiration of the term of each Power Board member not a member of the City Council, the City Council of the City of Rockwood shall appoint a successor to serve a four (4) year term, upon recommendation from the Mayor, or in the case of the expired term of the Power Board member from the City of Kingston, upon recommendation from the governing body of the City of Kingston. A Board Member who is a member of the City Council shall serve a term to run with his or her term of office as a member of the City Council. Non-council members of the Board may not be appointed to succeed themselves more than once. When a vacancy occurs for any other reason, the City Council

(...continued)

Ordinance No. 981, December 19, 1994

Ordinance No. 1049, January 21, 2002

Ordinance No. 03-1062, March 17, 2003

Ordinance No. 05-1077, December 20, 2004

The corporate boundaries have been contracted by the following deannexation ordinances of record in the recorder's office:

Ordinance No. 985, February 20, 1995

Ordinance No. 1028, May 17, 1999

of the City of Rockwood shall appoint a successor for the unexpired term only, upon recommendation from the Mayor, or in the case of a successor to the Power Board member from the City of Kingston, upon recommendation, from the governing body of the City of Kingston.

No provision of said Private Act shall be construed to remove any incumbent from office, and the provisions of said Private Act shall be implemented as the terms of office of members of the Board expire.¹ [As replaced by Priv. Acts 2021, ch. 13]

Section 4. Operation and Control of Waterworks, Sewer and Natural Gas System. The operation and control of the Waterworks, Sewerage and Natural Gas system shall be vested in the Board of Waterworks, Sewerage and Natural Gas Commissioners by ordinance adopted in strict compliance with Tennessee Code Annotated Title 7, Chapter 35, provided, however, the Board of Waterworks, Sewerage and Natural Gas Commissioners of the City of Rockwood shall consist of five (5) members appointed by the governing body of the City of Rockwood upon recommendation by the Mayor. Four (4) members shall be residents of the City of Rockwood, and one (1) member shall be a resident of the unincorporated area served by such board. One (1) of the members that is a resident of the City of Rockwood shall be a member of the City of Council. The other three (3) members from the City of Rockwood shall be property holders in the City, and shall be residents of the City of Rockwood for one (1) year preceding their appointment. The one (1) member from the unincorporated area of such board shall be a property holder in said unincorporated area and shall be a resident thereof for one (1) year preceding their appointment. Upon expiration of the term of each board member not a member of the City Council, the City Council of the City of Rockwood shall appoint a successor to serve a four (4) year term upon recommendation by the Mayor. A board member who is a

¹Priv. Acts 1980, ch. 231, provides as follows:

"SECTION 1. Notwithstanding any provision of the law to the contrary, the Rockwood Electric Utility Power Board shall consist of five (5) members appointed by the governing body of the City of Rockwood. Three (3) members shall be residents of the City of Rockwood, one (1) member shall be a resident of the City of Kingston and one (1) member shall be a resident of an unincorporated area served by such board. The governing body of the City of Rockwood shall appoint the resident of the City of Kingston from a recommendation submitted by the governing body of the City of Kingston.

SECTION 2. The provisions of this Act shall not be construed to remove any incumbent from office and the provisions of Section 1 shall be implemented as the terms of office of members of the board expire."

member of the City Council shall serve a term to run with his or her term of office as a member of the City Council. Non-council members of the Board may not be appointed to succeed themselves more than once. When a vacancy occurs for any other reason, the City Council of the City of Rockwood shall appoint a successor for the unexpired term only upon recommendation by the Mayor.

No provision of said private act shall be construed to remove any incumbent from office, and the provisions of said private act shall be implemented as the terms of office of members of the Board expire. [As replaced by Priv. Acts 2021, ch. 14]

Section 5. Departments of Government. Departments shall be established by the City Council.

Section 6. Council to Review Charter Periodically. It shall be the duty of the Council to make a comprehensive review of this charter every five (5) years, or more often if deemed desirable, for the purpose of determining necessary changes.

SECTION 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Council of the City of Rockwood before December 31, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the City Council and certified by him to the Secretary of State.

SECTION 4. 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 3.

PASSED: April 14, 1980

NED R. McWHERTER
SPEAKER OF THE HOUSE OF REPRESENTATIVES

JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED: April 18, 1980

LAMAR ALEXANDER
GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 2555, which is Chapter No. 289 of the Private Acts of 1980, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

RELATED PRIVATE ACTS

Priv. Acts 1997, ch. 32,
"Civil Service Board" C-22

CHAPTER NO. 32

HOUSE BILL NO. 1966

By Representative Ferguson

Substituted for: Senate Bill No. 1970

By Senator Davis

AN ACT creating a Civil Service Board for the City of Rockwood, and to provide for appointment and removal of members thereof; to prescribe the powers and duties of such board; to authorize the adoption of rules by such board; to provide for classified and unclassified service; to provide means of promotion, suspension, demotion and removal of city employees in the classified service; to authorize the establishment of a pay and hours plan; to provide for penalties for violation hereof; and to repeal all act or parts of acts in conflict with the provisions of this act.

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

SECTION 1. There is hereby created a system of Civil Service for the City of Rockwood. A Civil Service Board, hereafter referred to as "the board" to consist of five (5) members is hereby created to administer the said system of civil service. Two (2) members of the board shall be elected by the governing body of the City of Rockwood; two (2) members shall be elected by the employees of the classified service, in a joint election, and the persons receiving a majority of the votes of the employees of the classified service shall become the two (2) members of the board. The persons selected by a governing body of the City of Rockwood and the persons selected by a majority vote of the classified service shall then select one (1) person within ten (10) days after their appointment and selection and the person agreed upon by these four (4) so appointed and selected shall constitute the fifth member of the board. Provided, that if the four (4) members appointed and selected shall fail to agree within ten (10) days after their appointment, then and in that event the governing body of the City of Rockwood shall appoint four (4) citizens to meet and confer with four (4) of the citizens appointed by the employees of the classified service. This joint committee of eight (8) shall meet, within ten (10) days, and appoint one (1) person who shall constitute the fifth member of the board.

The five (5) members thus appointed to the board shall serve as board members for a term as appointed, or until their successors are appointed and qualified. One (1) four-year term shall be elected by the employees of the

classified service. One (1) four-year term shall be selected by the governing body of the City of Rockwood. One (1) three-year term shall be selected by the governing body of the City of Rockwood. One (1) three-year term shall be elected by the employees of the classified service. These four (4) members shall then select one (1) member for a two-year term. However, if the four (4) members fail to agree, then the same procedure for selecting the fifth member as set out in Section 1, paragraph 1, shall be used for selection of the fifth member. On or before the expiration of the term of each board member, his successor shall be selected in the same manner as the prior selection of the said board member whose term thus expires, to the end that the successor to the member appointed by the town governing body shall likewise be appointed to said body, the successors to the member elected by the classified service shall likewise be elected by said classified service, and the successors to the member appointed by two (2) other board members shall likewise be appointed by the two (2) other board members.

The members of this board shall receive for their services the sum of fifty dollars (\$50.00) per month, to be paid out of the general fund of the City of Rockwood. No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Rockwood, Tennessee, for at least one (1) year immediately preceding such appointment, and a qualified voter of Roane County. No city employee, elected officials of the City of Rockwood, or convicted felon, may be a member of the board.

Any member of the board may be removed from office by the governing body of the City of Rockwood for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the board shall be removed until charges shall have been preferred in writing, due notice and full public hearing had before the governing body of the City of Rockwood; provided, further, that such removal shall be for a period of ten (10) days, during which time any member so removed shall have the right of appeal to the Chancery Court of Roane County, Tennessee, which court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of removal made by the governing body of the City of Rockwood was or was not made in good faith for proper cause, and no appeal to such court shall be taken except upon such grounds, and the decision of such court shall be final.

The members of the board shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by the act. Three (3) members of this board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the board under and by virtue of the provisions of the act. Provided, however, that

due notice of all meetings shall be given so that all five (5) board members may have an opportunity to be present. Provided, further, that the board shall transact no business and make no decisions until and except while all five (5) board members shall have taken office and remain qualified to act.

SECTION 2. The provisions of this act shall apply to all employee personnel working on a paid full-time basis. Specifically, exempt employees shall be:

- (a) department heads;
 - (b) city recorder;
 - (c) all elected officials and persons appointed to fill vacancies in elective offices;
 - (d) the chief administrative officer--the mayor;
 - (e) all members of appointive boards, commissions, or committees;
 - (f) city attorney and assistant city attorneys;
 - (g) consultants, advisors and counsel rendering temporary professional service;
 - (h) independent contractors;
 - (i) emergency employees who are hired to meet the immediate requirements of an emergency condition such as extraordinary fire, flood, or earthquake which threatens life or property;
 - (j) seasonal employees who are employed by the city;
 - (k) persons rendering part-time service paid by the hour or day;
- and
- (l) volunteer personnel, such as volunteer firemen, and all other personnel appointed to serve without compensation.

All persons as shown as covered shall be known as the classified service. All other city employees shall be known as the unclassified service.

SECTION 3. All future appointments to and promotions in said departments, except as otherwise provided in this act shall be made on the basis

of seniority, fitness and efficiency, which shall be determined by the following method:

Subject to the other standards set forth in this act, the department heads shall meet with the board as soon after the enactment of this act as may be possible and shall give assistance to the board in drawing up minimum standards of mental ability, physical conditions, experience, education, personality, and specified training for each job classification in their respective departments. Such standards, when set, shall remain in effect until altered by action of the board. After the enunciation of said standards, a roster shall be kept by the board of all full-time personnel in the classified service indicating what job classifications within their respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After enunciation of said standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the vacancy shall be offered first to the member of the said branch qualified on the roster who shall have the greatest seniority and so on in descending order. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this act.

SECTION 4. The board shall organize by forthwith electing one (1) of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

(a) To make suitable rules and regulations not inconsistent with the provisions of this act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters

connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or reproduced for free public distribution.

(b) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six (6) months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.

(c) The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this act, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this act, and ascertain whether the act and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this act and punishable as such. The board shall have the authority to refer any complaint, before or after investigation, to the department head for solution.

(d) All hearings and investigations before the board shall be governed by this act and by the rules of practice and procedure to be adopted by the board. The board or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least three (3) of the board members.

(e) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishing of rosters and the position of members of the classified service, and of

applicants on such rosters, and such other matters relating to the administration of this act as may be referred to the board.

(f) To prepare a standard schedule of pay and of hours based generally upon presently applicable salary rates and hours worked for each class of positions in the classified service. Such pay plan shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position. In increasing or decreasing items in budgets, the governing body of the City of Rockwood shall not increase or decrease any individual salary item, but shall act solely with respect to classes of positions as established in the classification and pay plan. In no event shall the said governing body reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the same. Provided, that nothing in this act shall limit the hours to be worked in event of riot, dangerous fire, or other bona fide emergency.

(g) To see that the job classification, the standard for filling said classifications and the roster of eligible appointees for each classification are kept continuously up-to-date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order by reason of seniority established by continuous service in the respective departments. Terms of leaves of absence granted by the board hereby created upon recommendation of the head of each department shall not forfeit the rights of the member granted leave under this act nor be charged against such member of his order of seniority.

(h) To make provisions that employees laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last person, or persons, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that persons so laid off shall be reinstated before any new appointments to said department shall be made.

(i) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.

(j) To keep such records as may be necessary for the proper administration of this act.

SECTION 5. All persons holding positions in the classified service, upon the effective date of this act, who shall have served in such position for a period

of at least ninety (90) days previous thereto, are hereby inducted into civil service in the office, position or employment which such persons respectively held at the time of the enactment of this act, subject, however, to removal, demotion, or suspension upon the same terms as any other person inducted permanently into civil service following the effective date of this act.

SECTION 6.

(a) An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.

(b) Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable.

SECTION 7. The tenure of everyone holding office, place, position, or employment under the provisions of this act shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

(a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this act or the rules and regulations to be adopted hereunder.

(b) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.

(c) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

SECTION 8. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a

duplicate filed with the board. The department head may suspend an employee of the department pending the confirmation of the suspension by the regular appointing power under this act which must be within ten (10) days. Any person so removed, suspended or discharged may within twenty (20) days from the time of his removal, suspension or discharge file with the board a written demand for an investigation, whereupon the board shall conduct such investigation. The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the board may affirm the removal, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The board, in its discretion, in lieu of affirming or reversing the removal, suspension or discharge, may modify the order by directing a suspension without pay for a given period and subsequent restoration of duty, grade or pay; and the finds of the board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.

All investigations made by the board pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting his defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record made of all proceedings. From any order adverse to the accused, the latter may appeal to the Chancery Court of Roane County, Tennessee. Such appeal shall be taken by serving the board, within ten (10) days after the entry of such order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the board affecting or relating to such order be filed by the board in such court. The board shall within twenty (20) days after the filing of such notice, make certify and file such transcript with such court. The chancery court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of removal, discharge or suspension made by the board was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground, or grounds, and the decision of the court shall be final.

SECTION 9. It shall be the duty of all officers and employees of the City of Rockwood to aid in all proper ways in carrying out the provisions of this act, and such rules and regulations as may, from time to time be prescribed by the

board thereunder and to afford the board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board, and to attend and testify whenever required so to do by the board or any member thereof.

SECTION 10. Whenever a position in the classified service becomes vacant, the governing body of the City of Rockwood, or the board in charge of the separate departments, shall make requisition upon the board for the name and address of a person eligible for appointment thereof. The board shall certify the name of the person highest on the eligible list willing to accept employment, except in cases where the person who would be certified is not at the time of certification employed in the classified service in which cases the board shall certify the two (2) names highest on the appropriate list, and the governing body, or board, shall appoint one (1) of the persons so certified.

Whenever requisition is made, or whenever a position is held by a temporary appointee and an eligible list for the class of such positions exists, the governing body, or board, shall forthwith appoint the person, or, in the proper case, from among the persons so certified, to said position.

The governing body, or board, of the city, as to department heads, and the chiefs of the respective departments with the approval of the governing body, or board, as to all other personnel shall, notwithstanding any other provisions of this act, upon proper certification by the board of the eligibility of an applicant for any position in the classified service, be empowered to appoint such person to said position for a period of six (6) months, during which time such applicant shall be on probation and subject to removal for just cause shown and any time during said six-month period; or if the governing body, or board, of the City of Rockwood shall in its discretion deem such person on probation unfit and unsatisfactory for such position, then and in that event such person on probation may be dismissed or transferred to another classification on probation, without prejudice to such applicant. Whatever action may be taken by such governing body, or board, with respect to such applicant or probationer shall not be reviewable by the board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body, or board, of the City of Rockwood then and in that event the board shall certify the name of the next person, or in the proper case persons, on the eligible list as the same shall appear from the records of the board.

SECTION 11. Leave of absence, without pay, may be granted by the board upon the recommendation of the department head, and the board shall give notice of such leave of absence to the governing body, or board. All

temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned.

SECTION 12. No board member or any other person shall, by himself/herself, or in cooperation with one or more persons, defeat or deceive any person in respect of his/her right of examination or registration according to the rules and regulations of this act or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this act or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to impersonate any other person, in connection with any examination or registration or application or request to be examined or registered.

SECTION 13.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.

(d) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this act, and the rules made thereunder, and it shall be the duty of all persons under the provisions of this act to comply with such rules and to aid in their endorsement.

SECTION 14. The board shall be authorized to employ such clerical or administrative help as is necessary in carrying out the duties assigned to it, and shall also be authorized to retain legal counsel and engage actuarial experts to the extent necessary in carrying out the functions assigned to the board.

SECTION 15. The failure on the part of the board, or any member thereof or on the part of the governing body, or board, of the City of Rockwood, or any member thereof, to comply with the terms of this act shall be considered a violation of this act and shall be punishable as such.

SECTION 16. The governing body of the City of Rockwood shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board under the provision of Section 14 of this act; and the failure on the part of the governing body to do so shall be considered a violation of the act and shall be punishable as such.

SECTION 17. The governing body of the City of Rockwood shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this act, and shall make such appropriation. Within thirty (30) days after the effective date of this act, it shall be the duty of the governing body of the City of Rockwood, subject to the provisions of this act, to appoint and create the board, as provided in Section 1 hereof, and the failure upon the part of the governing body, or any member of it to do so, shall be deemed a violation of this act and shall be punishable as such.

SECTION 18. It shall be the duty of the board appointed subject to the provisions of this act to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this act and shall be punishable as such.

SECTION 19. Any person who shall intentionally violate any of the provisions of this act shall be liable for a civil penalty of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

SECTION 20. All laws or parts of laws in conflict with this act be and the same are hereby repealed.

SECTION 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end of the provisions of this act are declared to be severable.

SECTION 22. All departments of the City of Rockwood whether governed by the governing body, or separate board, shall cause a vote to be taken by the employees of each department after this act becomes law, and each department receiving a majority vote in the affirmative shall adopt the civil service system created pursuant to this act as its own and be recorded in the minutes of the governing body, or the board. Departments not receiving a majority of affirmative votes shall continue to operate under the rules or ordinance as previously established by the governing body or board.

The council shall request that the Mayor notify the boards that a vote be taken by employees to adopt or not adopt the civil service system created pursuant to this act. This vote will be taken after this act becomes law. Any governing body, or board, will continue to function organizationally prior to the effective date of this act.

SECTION 23. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of the City of Rockwood. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Rockwood and certified to the Secretary of State.

SECTION 24. 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 23.

PASSED: April 17, 1997

JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 29th day of April 1997

DON SUNDQUIST, GOVERNOR

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF
ROCKWOOD, TENNESSEE

YEAR	CHAPTER	SUBJECT
1903	327	Basic charter act.
1911	559 ¹	Authorized \$15,000.00 bond issue for schools.
1913	16	Repealed Priv. Acts 1911, ch. 559.
1913	64 ¹	Authorized \$50,000.00 bond issue for schools.
1913 (ES)	4	Amended corporate boundaries.
1913 (ES)	30	Amended § 8 (12) of the charter.
1915	103	Amended § 11 of the charter.
1917	105	Amended § 10 (3) of the charter.
1917	374	Authorized creation of improvement districts, etc., for street improvements and sewers.
1917	620 ¹	Authorized \$50,000.00 bond issue for sewers.
1919	809	Amended § 10 (6) of the charter.
1920 (ES)	24	Amended Priv. Acts 1917, ch. 105.
1920 (ES)	25	Amended Priv. Acts 1915, ch. 103.
1921	480	Amended the charter extensively.
1921	838 ¹	Authorized \$17,000.00 bond issue for refunding.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1923	172 ¹	Authorized \$75,000.00 bond issue for sewers.
1925	257	Amended § 19 of the charter.
1931 (ES)	62 ¹	Validated \$75,000.00 bond issue for refunding.
1933	248	Authorized early closing of high school in 1933 and 1934.
1935	602	Repealed Priv. Acts 1921, ch. 480, § 28.
1935	603	Transferred responsibility for operation of schools to the county.
1935	714 ¹	Authorized \$540,000.00 bond issue for refunding.
1937	71 ¹	Validated \$462,612.50 bond issue for refunding.
1937	509 ¹	Authorized \$37,000.00 bond issue for water.
1943	235	Validated resolution reducing the rate of interest on certain outstanding bonds.
1945	290	Amended Priv. Acts 1921, ch. 480, § 2.
1947	867 ¹	Authorized \$25,000.00 bond issue for public hospital.
1947	868 ¹	Authorized \$100,000.00 bond issue for water and sewers.

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YEAR	CHAPTER	SUBJECT
1947	869 ¹	Authorized \$100,000.00 bond issue for street improvements.
1953	56	Repealed Priv. Acts 1935, ch. 603, and revived certain provisions relative to school operations in the charter.
1955	173	Provided for the Port of Rockwood Authority.
1957	56	Amended Priv. Acts 1921, ch. 480, § 11.
1961	216	Provided for closing and/or taking streets, etc., traversing airport property.
1963	175	(Rejected or not approved locally)
1967	11	Comprehensive revision of entire charter and its amendments.
1969	177	Provided for use of payments in lieu of taxes on electric system. (See art. VII, § 11)
1971	151	Amended Priv. Acts 1967, ch. 11, art. V, § 1.
1973	54	Amended Priv. Acts 1967, ch. 11, art. VIII and adds § 10 to art. IX.
1980	231	Provided requirements as to membership of the power board.
1980	289	Comprehensive revision of entire charter and its amendments.
1981	3	(Rejected or not approved locally)
1996	171	Amended art. III, § 4.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1997	32	Created a Civil Service Board.
2004	113	Replaced art. VII, § 10, Contracts.
2011	32	Replaced art. VII, § 10, Contracts.
2014	43	Replaced art. III, §§ 4 and 6; art. IV, §§ 2 and 3; art. V, § 1; and art. VI, § 2.
2021	13	Replaced art. VIII, § 3, operation and control of the electric system.
	14	Replaced art. VIII, § 4, operation and control of the waterworks, sewer and natural gas system.