

CHARTER OF THE CITY OF COPPERHILL, TENNESSEE<sup>1</sup>

CHAPTER NO. 94

SENATE BILL NO. 1647

By Patten

Substituted for: House Bill No. 1864

By Fisher

AN ACT To repeal Chapter 93 of the Private Acts of 1913, as amended by Chapter 36 of the Private Acts of 1913 (Ex. Sess.), Chapter 122 of the Private Acts of 1917, Chapter 288 of the Private Acts of 1919, Chapter 440 of the Private Acts of 1921, Chapter 347 of the Private Acts of 1941, Chapter 115 of the Private Acts of 1943, Chapter 409 of the Private Acts of 1945, Chapter 205 of the Private Acts of 1947, Chapter 461 of the Private Acts of 1949, Chapter 240 of the Private Acts of 1961, Chapter 162 of the Private Acts of 1992, and all other acts amendatory thereto, being the Charter of the City of Copperhill, and to enact a new Charter for the City of Copperhill.

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<sup>1</sup>Priv. Acts 1993, ch. 94, is the current basic charter act for the City of Copperhill, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2021 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 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 acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

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

SECTION 1. Chapter 93 of the Private Acts of 1913, as amended by Chapter 36 of the Private Acts of 1913 (Ex. Sess.), Chapter 122 of the Private Acts of 1917, Chapter 288 of the Private Acts of 1919, Chapter 440 of the Private Acts of 1921, Chapter 347 of the Private Acts of 1941, Chapter 115 of the Private Acts of 1943, Chapter 409 of the Private Acts of 1945, Chapter 205 of the Private

Acts of 1947, Chapter 461 of the Private Acts of 1949, Chapter 240 of the Private Acts of 1961, Chapter 162 of the Private Acts of 1992, and all other acts amendatory thereto, being the Charter of the City of Copperhill, are hereby repealed and Section 2 of this act shall become the new Charter for the City of Copperhill.

## SECTION 2.

### ARTICLE I

#### CHARTER, DEFINITIONS, CITY LIMITS AND CORPORATE POWERS

Section 1.01. Body politic, corporate powers, name and general powers, etc.

This shall constitute the whole Charter of the City of Copperhill, Tennessee, repealing and replacing the charter provided by Chapter 93, Private Acts of 1913 and all acts amendatory thereto. The City of Copperhill located in the county of Polk, and the inhabitants thereof shall continue, and are hereby constituted and declared a body politic and corporate by the name and style of Copperhill, Tennessee, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. Definitions.

As used in this charter the following words and terms shall have the following meanings:

- (a) "City" means the City of Copperhill, Tennessee.
- (b) "Board of Mayor and Aldermen" means the legislative body of the city, which is composed of the mayor and aldermen, elected as provided in this charter, and any incumbent mayor or aldermen, until the expiration of their current terms of office.
- (c) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.
- (d) "At-large" means the entire city, as distinguished from representation by wards or other districts.

(e) "Elector" means a qualified voter residing within the city, and who has registered with the Election Commission of Polk County.

(f) The masculine includes the feminine, and the singular includes the plural and vice versa, except when the contrary intention is manifest.

#### Section 1.03. City limits.

The boundaries of the city are those fixed by Chapter 93 of the Private Acts of 1913 and all acts amendatory thereto which shall be incorporated herein by reference, and by any annexation<sup>1</sup> or contraction made pursuant to general law.

#### Section 1.04. Corporate powers.

The city has the power to:

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

(b) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(c) Make special assessments for local improvements;

(d) Contract and be contracted with;

(e) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

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

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<sup>1</sup>Annexation ordinances are of record in the recorder's office.

(g) Expend the money of the municipality for all lawful purposes;

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

(i) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Title 29, Chapter 16, or in any other manner provided by law;

(j) Take and hold property within or without the municipality or state upon trust; and administer trust for the public benefit;

(k) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, Title 9, Chapter 21;

(l) Grant to any person, firm association or corporation (including the municipality) franchises for public utilities, and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(m) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contacts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a

period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contact is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(n) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (l) and (m);

(o) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries, squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107--7-31-111 and 29-16-114, or any other manner provided by general law;

(p) Construct improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(q) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;



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

(s) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

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

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

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

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

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

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

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

(aa) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the town court of offenses against the law and ordinances of the municipality who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(bb) (1) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.

(2) No fine, forfeiture, or penalty may exceed five hundred dollars (\$500) for any one (1) offense, unless a higher limit is provided for under state law.

(cc) Regulate, tax, license or suppress the keeping or going at-large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(dd) Call elections as herein provided; and

(ee) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

## ARTICLE II

### BOARD OF MAYOR AND ALDERMEN, CITY JUDGE ELECTIONS

Section 2.01. Election of mayor and aldermen, city judge.

(a) On the first Saturday in December, 1992, a non-partisan election shall be conducted by the Polk County Election Commission under the general election laws of the state to elect at-large, a mayor, six (6) aldermen, and a city judge from the City of Copperhill. Any elector who has been a resident of the city for one (1) year may qualify as a candidate in accordance with state law. Each elector is entitled to vote for one (1) candidate for mayor, six (6) candidates for aldermen, and one (1) candidate for city judge. The term of the mayor, aldermen, and city judge elected in December, 1992, shall begin on January 1, 1993, at 12:00 noon.

(b) On the first Saturday in December, 1996, a non-partisan city election shall be conducted for the City of Copperhill to elect, at-large, a mayor

and four (4) aldermen. Each elector is entitled to vote for one (1) candidate for mayor and four (4) candidates for aldermen. The terms of the mayor and aldermen elected in December, 1996, shall begin on January 1, 1997, at 12:00 noon, and they shall serve until their successors have been elected and sworn into office as provided in Section 2.01(c).

(c) A non-partisan city election shall be held on the first Tuesday following the first Monday of November, 2000, and every four (4) years thereafter. The mayor and any aldermen elected in that city election and each city election thereafter shall commence their term by taking their oath of office at the first regular board meeting following their election and qualification.

Section 2.02. City board--salaries of mayor and aldermen; meetings; quorum.

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

(b) The salary of the mayor is five hundred dollars (\$500.00) per month. The salary of an alderman is fifty dollars (\$50.00) per month. Salaries may be changed at any time by ordinance; provided, however, if the salaries are changed, the changes shall not become effective until after the next election of city officials. The board of mayor and aldermen shall adopt an ordinance or resolution authorizing and regulating the reimbursement of municipal officers and employees for the expenses they incur in the performance of the duties of their offices or employment. The mayor and aldermen shall be entitled to reimbursement under the provisions of that ordinance or resolution.

(c) The board shall meet regularly at least once a month at the city hall unless otherwise prescribed by ordinance. The board may meet in special session on written notice of the mayor or vice-mayor when acting as the mayor, or any three (3) aldermen. Such notice shall be served on the other members of the board and a member of the local press, and posted on the door of the city hall, and Copperhill post office within an adequate time before the meeting. The notice served on the members of the board shall be made in writing and delivered by an officer or employee of the city to the residences of the members of the board. The notice shall be delivered to a person of such able age and discretion or left at the principal door of the residence. The board shall have the authority in a publicly assembled session with a quorum present, either regular or special, to exercise all expressly granted or implied powers.

(d) Any four (4) members of the board of mayor and aldermen constitute a quorum. The board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The board may subpoena and examine witnesses and order the production of books and papers.

(e) Following the city election of 1996, any three (3) members of the board of mayor and aldermen shall constitute a quorum.

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 the mayor may vote on all matters. The mayor is to be recognized as the ceremonial head of the city. The mayor is the officer to accept process against the city, and shall perform other duties 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 mayor and aldermen have taken office following each four (4) year 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, in the case of a vacancy in the office of the mayor, shall complete the mayor's unexpired term of office. In such case an alderman shall be selected by majority vote of the board to serve the unexpired term as vice-mayor. The board shall, in accordance with the provisions of Section 2.05 of this article, fill the vacancy in the office of alderman created by the vice-mayor becoming mayor.

Section 2.05. Vacancy in the office of mayor, aldermen, or city judge: effect of malfeasance, etc.

A vacancy exists if the mayor, aldermen, or city judge resigns, dies, moves his residence from the city, is convicted, in the ordinary sense of the word, of malfeasance or misfeasance in office, a felony, a violation of this charter, or the election laws of the state, or a criminal offense involving moral turpitude, or if such official fails to attend any meetings of the board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of ninety (90) days so as to prevent the official from discharging the duties of 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 criminal offense involving moral turpitude is prohibited from holding office or employment with the city for a period of five (5) years thereafter.

The remaining board of mayor and aldermen shall appoint a qualified person to fill a vacancy in the office of alderman for the remainder of the unexpired term. If the vacancy occurs within two (2) months, or less, prior to a regular election the board shall leave the position vacant until the next regular election. If a vacancy occurs in the office of city judge, that office shall no longer be subject to the city election, but shall be an appointed office of the board as provided in Section 3.05 of this charter.

#### Section 2.06. Style and passage of ordinances.

(a) The style of all city ordinances shall be: "Be it ordained by the Board of Mayor and Aldermen of the City of Copperhill". Each ordinance shall be passed at two separate meetings on two separate days before the same is operative. A reasonable number of written copies of ordinances shall be available to the public at the meetings and at city hall before the second and final passage by the board.

Ordinances, resolutions and other measures of the board of mayor and aldermen shall be passed by an affirmative vote of a majority of the board members present and voting. Abstentions shall be counted neither as a yes nor a no vote.

(b) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city recorder.

### ARTICLE III

#### ORGANIZATION AND PERSONNEL

#### Section 3.01. Administrative duties of mayor.

(a) The mayor shall have the powers of a business manager; shall have supervision and control of all the administrative affairs of the city; and shall be its chief executive. The mayor shall have access to all of the books, records, offices and papers of every kind pertaining to the city's business and shall require their proper safekeeping. The mayor shall present in writing or verbally to the board recommendations of the needs of the city at any time he deems advisable.

(b) The mayor shall have control over all municipal improvements and property and he shall have the exclusive power to make all expenditures within the budget after the same have been appropriated by the board.

(c) The mayor shall take all proper measures for the preservation of public order and preservation of the peace, and he may call upon the Governor for military aid.

(d) The mayor shall appoint the city recorder and any other employee who is designated a department head by ordinance, subject to the confirmation of the board.

(e) Subject to the approval of the board of mayor and aldermen, the mayor shall have the authority to make appointments, promotions and transfers of all employees and to make demotions, suspensions, transfers and removals of officers, department heads and employees and may delegate such personnel authority in these areas as the mayor deems advisable. [As amended by Priv. Acts 2016, ch. 48]

#### Section 3.02. City Recorder--duties.

(a) The recorder shall keep and preserve the city seal and all official records not required by law or ordinance to be filed elsewhere; to attend all meetings of the board and to maintain a journal showing the proceedings of all such meetings, the members of the board of mayor and aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and to prepare and certify copies of official records.

(b) The recorder shall act as tax collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected.

(c) The recorder shall act as treasurer and shall receive and keep safely all funds of the city and shall pay out the same upon warrants signed by the mayor and the recorder.

#### Section 3.03. City Attorney--appointment and duties.

The city attorney shall be an attorney-at-law entitled to practice in the courts of the State of Tennessee. The city attorney shall be appointed by the board of mayor and aldermen, and shall direct management of all litigation in which the city is a party or interested, or in which any of its officers is officially

interested; attend meeting of the board of mayor and aldermen as requested and advise the board and committees and members thereof, the mayor and heads of all departments and divisions as to all legal questions affecting the city's interest; and approve as to form, all documents, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of, or made by, or with, the city. The city attorney's compensation shall be fixed by the board of mayor and aldermen and he shall serve at the will of the board.

#### Section 3.04. Departments, offices and agencies generally.

The board of mayor and aldermen may establish city departments, offices or agencies in addition to those created by this charter, any may prescribe the functions of all departments, offices and agencies not inconsistent with this charter.

Departments, offices, and agencies created by the board of mayor and aldermen may be abolished or combined by the board.

#### Section 3.05. City Court.

(a) City Judge--term. A city judge who serves the city court shall be elected by the people as provided in Section 2.01. At the first regular meeting in January, 1997 following the city election in December 1996, or upon a vacancy in the office of city judge, the board of mayor and aldermen shall appoint a city judge. Upon such appointment, the city judge's compensation shall be fixed by the board and the city judge shall serve at the will and pleasure of the board.

(b) Jurisdiction, power, compensation. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city. The costs in such trials shall be fixed by ordinance. The city judge shall have the 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 in state law. All fees for actions or cases in such court shall belong to the city and shall be paid into the city treasury.

(c) Bail. The bail of persons arrested and awaiting trial and persons appealing a decision of the city judge shall be fixed by the city judge, upon security as in his discretion he deems necessary or as may otherwise be provided by ordinance within the limits prescribed by state law. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the city judge as provided by ordinance. Such ordinance shall require the person arrested to be given a receipt for

cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate: original to the depositor, a copy and money to the city recorder, and a copy to the city judge within forty-eight (48) hours after arrest.

(d) Fines and Costs. 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 judge may authorize the city attorney to proceed in a civil suit to recover the funds owed the city. The city board is authorized to enter into any appropriate agreement with the Polk County Council for the payment of fees by the city to the county for holding prisoners sentenced by the city judge. Receipts of the city court shall be deposited daily with the city recorder, and the city judge shall make monthly reports thereof to the board.

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

(f) Separation of powers. The city judge shall be exclusive judge of the law and facts in every case before the court, and no officer or employee of the City of Copperhill shall attempt to influence the court's decision except through pertinent facts presented in open court.

(g) Temporary judge. In the event the city judge is either absent or unable to act, or is disqualified from sitting in any particular case, the city judge is hereby authorized to appoint a temporary judge to act during his absence, inability to act or disqualification. The board of mayor and aldermen shall appoint a temporary judge, should the absence, inability to act or disqualification of the city judge exceed two (2) consecutive sessions of city court.

#### Section 3.06. Officers and employees--salaries.

Only the officers 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 qualifications desired.

#### Section 3.07. Employees--appointment and promotion.

The appointment and promotion of employees of the City of Copperhill shall be on the 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. However, when an applicant is a resident of the City of Copperhill and is equally qualified, that applicant shall be given preference over an applicant who does not reside in the city.

Section 3.08. Personnel rules.

The board may by ordinance adopt supplementary rules and regulations governing employment by the city, not inconsistent with the provisions for this charter.

Section 3.09. Oath of office.

Before a person takes any office in the city government, he shall subscribe to the following oath or affirmation, administered by any notary public:

"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 City of Copperhill, and that I will faithfully discharge the duties of the office of \_\_\_\_\_."

/S/ \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Section 3.10. Official bonds.

The mayor and every officer, agent, and employee of the city 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 city. 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.

An employee of the city may not continue in the employment of the city after filing a nominating petition for election to any public office. For purposes of this section "employee of the city" shall not apply to the mayor, aldermen, city judge, or members of boards. No person shall directly or indirectly give, render or pay any money, service or valuable consideration to any person for or on account of or in connection with employment by the city. 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 city in connection with any city election. Any person who by himself or with others willfully or corruptly violates any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof he shall immediately forfeit and vacate the office or position he hold and be ineligible to hold office or position of employment in the city government for a period of five (5) years thereafter.

The provisions of this section shall not apply to such persons and time and place political activities as are otherwise protected by state law.

#### ARTICLE IV

##### FINANCE

###### Section 4.01. Fiscal year.

The fiscal year of the City of Copperhill shall begin the first (1st) day of July, and shall end on the thirtieth (30th) day of June of the succeeding year.

###### Section 4.02. Mayor to submit annual budget.

Prior to the beginning of each fiscal year, the mayor shall submit to the board a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) Revenue and expenditures during the 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 or requested by the board. A copy of the budget in full shall be filed with the city 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. Action by the board on budget; amendments; re-allocation; monthly reports by mayor.

Before the beginning of the ensuing fiscal year, the board shall adopt an appropriation resolution, based on the mayor's proposed budget with such modifications as the board considers necessary or desirable. 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 city declared by a vote of all members of the board. If conditions prevent the adoption of an appropriation resolution 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. Appropriations, except emergency appropriations as provided above, may be increased during the fiscal year only after the mayor certifies in writing that a sufficient amount of unappropriated revenue will be available. Funds may be re-appropriated, re-allocated, or re-obligated between departments, activities, or agencies within a single fund account, with the consent of the board of aldermen, which consent shall be duly entered upon the minutes of the board. Any unencumbered funds at the close of the fiscal year shall lapse and be subject to appropriation for the following year. Any balance remaining in any fund at the end of the fiscal year shall remain to the credit of such fund and be subject to further appropriation. At the end of each month, the mayor shall submit to the board a financial report showing revenue, receipts, encumbrances and expenditures for the month and for the fiscal year to the end of that month.

#### Section 4.05. Control of expenditures.

The mayor is responsible for controlling expenditures of the various agencies of the city government to accomplish maximum efficiency and economy. No expenditures may be made in excess of appropriations.

#### Section 4.06. Competitive bidding and purchasing procedures.

Purchasing and bidding procedures shall be established by ordinance in accordance with state law.

#### Section 4.07. Unauthorized contracts or expenditures.

Any contract or agreement made in violation of the provisions of this charter or an ordinance of the city is void and no expenditure may be made thereunder. Every officer, agent, or employee who knowingly makes or participates in any such contract or agreement, or authorized or makes any expenditure thereunder and their sureties on their official bonds, and every person who knowingly receives such payment, are jointly and severally liable to the city for the full amount so paid or received.

#### Section 4.08. Sale of city property.

The mayor may sell city property which is obsolete, surplus, or unusable, after advertisement in a local newspaper, by sealed bids or a public auction; provided, however, any sale of property worth more than five hundred dollars (\$500.00) or any sale of real estate is subject to approval by the board. The mayor may sell any item valued at less than fifty dollars (\$50.00) without taking bids, but such sale shall be reported to the board at its next meeting.

#### Section 4.09. Annual audit.

Within thirty (30) days after the beginning of each fiscal year, the board shall employ an independent, certified public accountant to make an audit of all financial records of the city for the 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.

#### Section 4.10. Bonds for public works contracts.

Each bid on a contract for any public works or improvement shall be accompanied by cash or a surety company bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price. The board may waive the requirements of this section for contracts involving not more than five thousand dollars (\$5,000.00).

#### Section 4.11. Property taxes.

All property subject to taxation shall be subject to the property tax levied by the city. The board shall use county and Public Service Commission assessments to tax all property subject to taxation.

#### Section 4.12. Tax levy.

The board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100.00) of assessed valuation prior to the first date taxes are due. If the board fails to do so, the prior year's rate shall continue in effect.

#### Section 4.13. Tax due and delinquency dates and tax bills.

The due and delinquency dates of property taxes shall be fixed by ordinance and provisions may be made for equal semi-annual installments. The city shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and tax, penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment of a court of record.

#### Section 4.14. Delinquent taxes.

The board may provide by ordinance for the collection of delinquent taxes by the following methods: by distress warrants issued by the mayor for the sale of goods and chattels to be executed by any police officer of the city; or by the county trustee as provided by general law; or by the city attorney acting in accordance with general law providing for the collection of delinquent city or county taxes; by garnishment; by suits in chancery; or by any two (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies.

Section 4.15. County may collect taxes.

The city may contract with the county for the collection of city taxes. The contract may provide for reasonable fees to be paid to the county for this service.

Section 4.16. Taxes not to be excused.

No officer or employee of the city shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the city, but errors and wrongful assessments may be corrected when authorized by the board.

Section 4.17. Disbursements by checks.

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

Section 4.18. Official depository.

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

Section 4.19. Accounting.

The financial records of the city will be established and maintained in general conformity with the accounts and procedures recommended by the Office of the Comptroller, State of Tennessee, the Municipal Finance Officers Association, or other nationally recognized authority on municipal accounting.

## ARTICLE V

### INTERGOVERNMENTAL COOPERATION AND CONTRACTING

Section 5.01. Intergovernmental cooperation and contracts.

In addition to other powers granted in this charter, the City of Copperhill's board of mayor and aldermen have the power to contract, cooperate, and form districts with other municipalities or their political subdivisions of the State of Tennessee or Georgia, or with an elective or appointive official thereof; or with any duly authorized agency of the federal or state governments, for the

exercise of any power or function which the city is authorized to undertake by this charter, or state and/or federal statute.

Section 5.02. Execution of such powers.

The board may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action, and any of them may acquire, by gift or purchase, or by power of eminent domain exercised by one (1) or more of the parties, the lands, buildings, and other property necessary or useful for the purpose of the contract or cooperative action, either within or outside the corporate limits of one (1) or more of the contracting parties, and shall have the power to hold or acquire such property jointly. The city may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

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

Section 5.03. Immunity and liabilities of officers.

All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of the article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

Section 5.04. Handling of funds.

All money received pursuant to any such contract or cooperative action, under the provisions of this article shall, unless otherwise provided by law, be deposited and dispersed in accordance with the provisions of such contract or cooperative action.





APPROVED this 31st day of May 1993

s/Ned McWherter  
NED McWHERTER, GOVERNOR

ACTS COMPRISING THE CHARTER OF THE CITY OF  
COPPERHILL, TENNESSEE

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YEAR	CHAPTER	SUBJECT
1993	94	Basic charter act. This repealed Priv. Acts 1913, ch. 93.
2016	48	Amended art. III, § 301(e).