



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE

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Modified City Manager-Council (General Law) Charters

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Modified City Manager-Council (General Law) Charters

Reference Number: MTAS-1646

T.C.A. §§ 6-30-101 et seq.

The modified city manager-council (general law) charter sets specific buying requirements for municipalities so governed. Purchasing and contract procedures not prescribed by charter or other general laws may be established by ordinance.

The city manager is responsible for preparing regulations governing the acquisition, custody, use, and disposal of all property and equipment. The city council must approve these rules.

The city manager, or his or her designee, is responsible for all purchasing for the municipality except for schools. The school superintendent must take care of purchasing for schools; however, purchases and contracts for schools are subject to provisions of this charter. No purchase, expenditure, or contract shall be made in excess of available school funds.

Centralized buying may be used where it is mutually agreed upon by the council and the board of education or their delegated representatives.

Organizations Exempt by the Charter (Mod. CM-Council)

Reference Number: MTAS-1648

According to the general law modified city manager-council charter, there are no vendor organizations exempt from competitive bidding requirements.

Purchases Exempt by the Charter (Mod. CM-Council)

Reference Number: MTAS-1649

The charter does not exempt any purchasing or public improvements from competitive bidding.

Competitive Bids/Proposals (Mod. CM-Council)

Reference Number: MTAS-1650

Competitive prices for all acquisitions and public improvements must be obtained whenever possible, in accordance with regulations, which must be established by ordinance. The lowest responsible bidder must receive contracts or purchases. The municipality may reject any and all bids.

Formal sealed bids must be taken in all transactions of \$10,000 or more. These transactions must be confirmed by written contract submitted to and approved by the council.

The charter authorizes the council, upon written recommendation of the city manager and by unanimous resolution of those present at the meeting, to authorize non-competitive contracts where it is clearly to the advantage of the municipality not to contract with competitive bidding.

The council may authorize public improvements or other municipal work to be done by any municipal department or agency without competitive bidding.

"Competitive sealed bids" generally means both sealed bids and sealed proposals. Sealed proposals should be used if the criteria for vendor selection can be clearly defined, the selection process will benefit the municipality, and the process is approved by the municipality's board of commissioners. See "Purchasing through Competitive Sealed Proposals [1]".

Public Advertisement (Mod. CM-Council)

Reference Number:

MTAS-1651

The general law modified city manager-council charter contains no rules about public advertising for buying and public improvements. Regulations about public advertisement should be established by ordinance.

Emergency Purchases (Mod. CM-Council)

Reference Number: MTAS-1652

The charter also is silent on emergency purchases. Regulations about emergency purchases should be established by ordinance.

Authority of the Governing Body (Mod. CM-Council)

Reference Number: MTAS-1653

According to the charter, council must set by ordinance the regulations concerning all acquisitions and public improvements. The municipality may reject any and all bids.

If there is unanimous agreement of those present at the council meeting and the city manager has provided a written recommendation, council may authorize non-competitive contracts where it is clearly to the advantage of the municipality not to contract with competitive bidding.

The council may authorize public improvements or any municipal work done by a municipal department or agency without competitive bidding.

The council also may establish by ordinance all purchasing and contract procedures not addressed in the charter or other legislation.

The board of education and director of schools are subject to the conditions of the charter when making purchases and contracts for schools. The board of education stands in place of the council and the director of schools in place of the city manager.

The municipal administration and the schools may centralize buying when it is agreed upon by the council and board of education.

Links:

[1] <https://www.mtas.tennessee.edu/reference/purchasing-through-competitive-sealed-proposals>

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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