



Types of 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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Types of Charters

Reference Number: MTAS-159

The General Assembly makes grants of power to Tennessee municipalities through two kinds of laws: **private acts** and **general laws**. Private acts apply only to a specific town or city; general laws apply either to all cities and towns or, frequently, to all cities and towns within a certain class (for example, all cities and towns with a population of 1,134 to 1,876 according to the 1980 census or any census thereafter). The latter kind of general law is often called a general law of local application because in reality it usually applies to only one or two specific towns or cities. There are at least two kinds of municipal charters in Tennessee: **private act** and **general law**. Tennessee also has 14 municipalities that have a **home rule** charter.

- **Private act charter.** All cities with a private act charter were incorporated before 1953 when the constitution was amended to prohibit incorporating cities by special act. If a private act city wants to amend its charter, the city's legislative delegation introduces the amendment in the General Assembly, and the city must ratify the new private act, either by majority vote of the governing body or by referendum;
- **Home rule charter.** A city wanting home rule government writes its own charter and adopts it in a referendum. A home rule city seeking to amend its charter must submit the amendment to a referendum. There are 14 home rule municipalities in Tennessee; and
- **General law charter.** A city may adopt one of the "form charters" that are written into the state code.

Consolidation of City and County Functions

The Eighth Amendment to the Tennessee Constitution deals with consolidating city and county functions (Article XI, Section 9). Under its terms, merging any function, such as schools, or completely consolidating city and county governments, as in Nashville and Davidson County, must be approved in a referendum by a majority of the vote in the city and a majority of the vote in the remainder of the county. Implementing legislation for complete city/county consolidation is found in T.C.A. §§ 7-1-101–7-3-312. A second consolidation act, the Charter Government Unification Act, applies to counties with a charter form of government. T.C.A. §§ 7-21-101, *et seq.*

Internet Posting of Charters

Each municipality must post its charter on a website maintained by the municipality, or, if the municipality has no website, the charter must be posted on the secretary of state's website. T.C.A. § 5-1-127.

Private Act Charter

Reference Number: MTAS-329

A private act charter applies only to the city or town with that specific charter. In other words, if your city or town is chartered under, say, Chapter 319, Private Acts of 1943, there's only one city or town to which Chapter 319, Private Acts of 1943, applies: yours. The city or town next door to yours may also have a private act charter, but it will be chartered under, say, Chapter 27, Private Acts of 1901.

All cities with a private act charter were incorporated before 1953 when the constitution was amended to prohibit incorporating cities by special act. If a private act city wants to amend its charter, the city's legislative delegation introduces the amendment in the General Assembly, and the city must ratify the new private act. The governing body of a private act city can play a major role in determining the municipal government's form and structure. Its members can influence the legislature to make private act amendments, which may then be approved by a two-thirds vote of the governing body or by referendum. In a home rule city, charter amendments may be initiated by the governing body passing an ordinance, which is then submitted for referendum approval.

Don't get private act charters and general law charters mixed up. If you have a private act charter, none of the general law charters apply to your municipality. Your private act charter may provide for the

mayor-aldermanic form of government, but the general law mayor aldermanic charter does not apply to your city.

There are general laws throughout *Tennessee Code Annotated* that apply to both private act and general law municipalities, but the general law charters apply only to municipalities that have those particular general law charters.

General Law Mayor-Aldermanic Charter

Reference Number: MTAS-330

The mayor-aldermanic general law charter (T.C.A. §§6-1-101, *et seq.*) provides for a board of mayor and aldermen consisting of the mayor and two to eight aldermen. Newly incorporated cities must have at least one ward, and two aldermen must be elected from that ward. Newly incorporated cities with more than 5,000 people must have at least two wards, and two aldermen must be elected from each ward.

Any existing city also may adopt the mayor-aldermanic charter. The board appoints the recorder, the treasurer, the city judge (if he is not exercising concurrent jurisdiction with general sessions court; see Chapter 6, City Courts), and other department heads. The mayor prepares the budget, hires and fires employees, and sees that all city laws and ordinances are enforced. However, the board may designate itself or someone else to perform any or all of these mayoral functions. The board may appoint a city administrator by ordinance.

Municipalities that were incorporated under the mayor-aldermanic charter before June 30, 1991, may establish wards, increase or decrease the number of aldermen, and switch to staggered terms in accordance with T.C.A. §§ 6-3-101–102. Municipalities with non-staggered two-year terms may change by ordinance to non-staggered four-year terms.

T.C.A. § 6-3-101(a) allows municipalities that incorporated under the mayor-aldermanic charter after June 30, 1991, to modify the number of aldermen and/or wards by ordinance. The ordinance must provide for staggered four-year terms but may provide for transitional terms of fewer than four years.

T.C.A. §§ 6-3-101(b) and 102(a) allow municipalities incorporated under this charter that have only one ward to provide by ordinance for election of aldermen by numerical position. A person seeking office as an alderman may qualify for only one position.

General Law City Manager-Commission Charter

Reference Number: MTAS-331

The city manager-commission charter (T.C.A. §§ 6-18-101 *et seq.*) provides for a council-manager government similar to the model city government charter recommended by the National Civic League.

A city operating under this charter has a number of options when structuring its governing body. Small cities may have three or five commissioners. Cities with more than 5,000 residents elect five commissioners for staggered four-year terms. A city with a population of more than 20,000 may increase the number of commissioners from five to seven by ordinance, which is subject to referendum approval. T.C.A. § 6-20-101. Elections may be at-large or from single-member districts. The commissioners may appoint one of their members as mayor, or the citizenry may elect the mayor to a four-year term.

The charter may be adopted by any newly incorporating or existing city.

The commission appoints a city judge if the judge is not exercising concurrent jurisdiction with general sessions court. The commissioners appoint a city manager who serves at their pleasure, and he or she may be removed only for cause during the first year of employment. The manager is responsible for purchasing, financial affairs, administration, presenting a proposed budget to the commission, selecting and appointing all department heads other than the city judge, and seeing that all city laws and ordinances are enforced. T.C.A. §§ 6-18-101, *et seq.*

Modified City Manager-Council Charter

Reference Number: MTAS-332

The city manager-council charter (T.C.A. §§ 6-30-101 *et seq.*) leaves fewer options in structuring local government than the other two forms.

Seven or more councilmembers are elected from single-member voting precincts for four-year terms. If a city has fewer than seven precincts, the remaining councilmembers are elected at-large. The mayor is elected to a two-year term by his or her fellow councilmembers. The city may ask its legislative delegation to pass a private act allowing all councilmembers to run at-large. For a new city to incorporate under the city manager-council charter, the community must have at least 5,000 residents. There is no explicit provision for existing cities to adopt this form.

The council appoints the city attorney and a city manager. The city judge is elected to a four-year term or an eight-year term if exercising concurrent jurisdiction with general sessions court. All other department heads are appointed by the city manager. The manager serves at the pleasure of the city council. He or she is responsible for purchasing, financial affairs, administration, presenting a proposed budget to the council, and seeing that all city laws and ordinances are enforced. Councilmembers are prohibited from giving orders to the manager's subordinates. Except for inquiries, they are to deal with administrative officers and city employees solely through the manager.

Unlike the two other statutory charters, the modified city manager-council charter includes a recall provision. T.C.A. § 6-31-301, also see T.C.A. § 2-5-151.

Home Rule

Reference Number: MTAS-333

In Tennessee, home rule means that a city may adopt and change its own charter by local referendum. If a city adopts home rule, the legislature may not pass private acts that apply to that city. General laws that apply to all cities also are applicable to cities with home rule charters.

If a city chooses home rule, it relinquishes the opportunity to have the legislature pass private acts for it. Instead, residents must approve by local referendum any changes to the home rule charter. In addition, T.C.A. § 6-53-105(c) requires that the municipal chief financial officer estimate the cost and revenue impact of home rule amendments and that such estimates appear on ballots containing amendments to home rule charters.

In 2016, fourteen Tennessee cities and towns have home rule charters: Chattanooga, Clinton, East Ridge, Etowah, Johnson City, Knoxville, Lenoir City, Memphis, Mt. Juliet, Oak Ridge, Red Bank, Sevierville, Sweetwater and Whitwell.

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Source URL (retrieved on 02/27/2020 - 7:41am): <https://www.mtas.tennessee.edu/reference/types-charters>



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