

Charter of the  
Lynchburg, Moore County  
Metropolitan Government

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Charter of the Lynchburg, Moore County  
Metropolitan Government

Article 1

Consolidation, Territory, and Powers

§ 1.01 – Consolidation: The governmental and corporate functions now vested in the City of Lynchburg, Tennessee, are consolidated with the governmental and corporate functions of Moore County, Tennessee. A single government is hereby created which replaces and supercedes the governments of the City of Lynchburg and of Moore County. The name of the new Metropolitan Government shall be The Metropolitan Government of Lynchburg, Moore County, Tennessee,

§ 1.02 – Territory: The territory of the Metropolitan Government shall be the total area of Moore County as established by the Tennessee General Assembly.

§ 1.03 – Powers Given the Metropolitan Government: Except as otherwise provided in this Charter, the Metropolitan Government shall have all the powers granted cities, counties, and metropolitan governments under the Constitution and general laws of the State of Tennessee. These powers shall be construed broadly and the omission of specific powers in this Charter shall not be construed as limiting the general powers of the Metropolitan Government. The Metropolitan Government shall be a public corporation, with perpetual succession, capable of suing and being sued to the same extent as other metropolitan governments, and capable of purchasing, receiving, and holding property, real and personal, and of selling, leasing, or disposing of the same to the same extent as other governmental entities.

§ 1.04 – Restrictions Upon the Power of Metropolitan Government: The Metropolitan Government shall not:

- (a) Act in a manner inconsistent with applicable general law.
- (b) Tax the Metropolitan General Services District for services available solely to residents of the Lynchburg Urban Services District.
- (c) Impair or diminish the pension, retirement, contract, or civil service rights of persons employed upon the effective date of this Charter by the City of Lynchburg or Moore County; provided that each such employee shall have the option, during such time as may be provided by any Civil Service Plan formulated by the Metropolitan Government, to transfer to the pension, retirement, pay plan, or Civil Service Plan of the Metropolitan Government, at which time such employee's coverage under the previous pension plan shall terminate.
- (d) Impair or diminish the tenure or contract rights of employees of the Moore County School System upon the effective date of this Charter, except that all such contract rights shall henceforth be held under the Metropolitan School Board of Moore County.

## Article 2

### The Metropolitan Council

§ 2.01 – Metropolitan Council – Power and Authority: The legislative authority of the Metropolitan Government shall include all legislative authority vested in the former City of Lynchburg and in Moore County upon the date of the formation of the Metropolitan Government, as well as all legislative powers vested in metropolitan governments generally, in county governments generally,

and in city governments generally under the Constitution of the State of Tennessee, under laws of general application of the State of Tennessee as the same shall be in effect at or after the date of formation of the Metropolitan Government, or under any private acts applicable to Lynchburg or Moore County. The legislative authority of the Metropolitan Government, except as otherwise specified in this Charter, shall be vested in a Metropolitan Council. The Metropolitan Council shall be composed of fifteen members, three of whom shall be elected from each of the five council districts in accordance with Article 13 hereof.

§ 2.02 – Council Terms, Qualifications, and Compensation: Members of the Metropolitan Council shall serve for terms of four years and shall assume office on September 1 following the date scheduled for their election. Should a run-off election occur after September 1, then the member or members so elected shall take office immediately after the completion of such election. Eligibility for candidacy for the Metropolitan Council shall be limited to persons residing within Moore County for a period of at least one year and within the council district for a period of at least six months prior to the deadline for qualifying as candidates. The compensation payable to members of the council may be modified from time to time by the Metropolitan Council but such modifications shall be effective only at the beginning of the next regular term of office of the members of the Metropolitan Council.

§ 2.03 – Presiding Officer: The Metropolitan Council shall, by majority vote, annually elect one of its members as Chairman. The Chairman shall be entitled to vote on all matters, while serving as presiding officer of the Metropolitan Council, and shall appoint members and presiding officers of committees of the Council, subject to confirmation by the Metropolitan Council.

§ 2.04 – Urban Council: Each year, the three members of the Council residing within the Lynchburg Urban Services District who were elected to their offices by the largest popular vote shall constitute the Urban Council. The Urban Council shall meet immediately following any meeting of the Metropolitan Council at which an annual budget is adopted or amended, and shall in accordance with Article 9 hereof, determine the property tax levy in the Lynchburg Urban Services District. Except as otherwise provided in this Charter, the Urban Council shall determine its own rules and order of business. In order to be certain that there are at least three members of the Metropolitan Council to constitute the Urban Council, the Metropolitan Council may provide as an additional qualification for no more than three council seats that the successful candidate reside within the Urban Services District.

§ 2.05 – Procedure – Meetings: The Metropolitan Council shall exercise its legislative power solely through the adoption of written ordinances by the

procedures herein provided. However, the Metropolitan Council at its pleasure may adopt resolutions, lacking the force of law (except as otherwise herein provided), to express its intent in the adoption of prior ordinances and to express its sentiments on matters of interest.

Ordinances shall have the force of law and shall be adopted by the Metropolitan Council only upon consideration and approval on three separate readings. Readings shall occur at separate meetings of the Metropolitan Council. Excepting ordinances pertaining to amendment of this Charter, taxation, establishment or expansion of any services district, and allocation of services among the service districts, the Metropolitan Council may, following approval after a second reading, vote by two-thirds majority of its membership to proceed at the same meeting with the third reading and final vote upon any ordinance.

Each ordinance shall bear a caption stating its subject. The provisions of an ordinance shall not include subjects other than those fairly encompassed within its caption. No amendment to any ordinance shall be valid except to the extent that it is germane to the subject matter of the ordinance as expressed in the caption.

A quorum for all meetings of the Metropolitan Council shall consist of a majority of its members. Metropolitan Council meetings shall be public and a public record of Metropolitan Council and Urban Council proceedings shall be made and maintained by the County Clerk. Except as otherwise provided in this Charter, the Metropolitan Council shall determine its own rules and order of business.

By ordinance, the Metropolitan Council shall establish and may from time to time change the schedule for its regular meetings. Such meetings must be scheduled no less often than quarterly.

Special meetings of the Metropolitan Council may be called either by a majority of its members or by the Metropolitan Executive, by reasonable notice given to each member.

§ 2.06 – Staff: The Metropolitan Council may employ, permanently or from time to time, such legal, professional, clerical, research, and administrative staff as it may deem appropriate.

§ 2.07 – Vacancies: The office of a member of the Metropolitan Council shall become vacant upon recall, ouster, death, resignation, the member moving out of the district from which the member was elected, or otherwise as provided by law.



§ 2.08 – Public Office Vacancies: Every vacancy in any elective office of the Metropolitan Government shall be filled by public election at the next general election; provided, however, that immediately upon occurrence of a vacancy, the Metropolitan Council shall elect some person having all the qualifications required by law for such offices, who shall fill such a vacancy until his replacement shall be duly elected and qualified. Every vacancy in any non-elective office shall be filled in the same manner as the original appointment thereto, and every vacancy in any office, whether elective or appointed, and whether the government proper or any agency, board, or instrumentality thereof, shall be filled only for the remainder of the unexpired term.

### Article 3

#### Metropolitan Executive

§ 3.01 – Metropolitan Executive Established – Power and Authority: The executive and administrative authority of the Metropolitan Government, except as otherwise provided by this Charter, shall be vested in a Metropolitan Executive who shall be elected at large from the area of the Metropolitan Government as provided in Article 13 below. The Metropolitan Executive shall be the chief executive, administrative, and fiscal agent of the Metropolitan Government. As such, the Metropolitan Executive shall supervise and administer all executive departments and boards established pursuant to Article 4 hereof; shall exercise all administrative and executive powers vested by present or future general laws in the position of County Executive except for such as may be contrary to specific provisions of this Charter; shall, in accordance with any applicable ordinance of the Metropolitan Council, oversee the authorization and accounting for disbursements from, and investments of, the Metropolitan Government funds; shall propose and submit budgets to the Metropolitan Council in accordance with Article 9 hereof; shall sign and approve all written contracts or obligations; shall have the power to appoint the heads of all executive departments and the members of all boards, subject to confirmation by the Metropolitan Council, except for such officials whose selection in a different manner is provided by the general laws or by other provisions of this Charter; and shall administer all capital improvement projects as authorized by ordinance.

The Metropolitan Executive may attend meetings of the Metropolitan Council, may call special Metropolitan Council meetings as provided by § 2.05, and may recommend to the Metropolitan Council such resolutions or ordinances as are deemed beneficial.

§ 3.02 – Term – Qualifications – Compensation: The Metropolitan Executive shall serve for a term of four years, concurrent with members of the

Metropolitan Council, and shall assume office on September 1 following election. Should a run-off election occur after September 1, then the Executive so elected shall take office immediately after the completion of such election. The Metropolitan Executive shall be a qualified voter and a resident of the County for a period of at least one-year before the deadline for filing as a candidate for the office of Metropolitan Executive. The salary of the Metropolitan Executive shall be as fixed by the Metropolitan Council. The salary of the Metropolitan Executive may be modified from time to time by the Metropolitan Council, but such modification shall not become effective prior to the next term of office of the Metropolitan Executive.

§ 3.03 – Absence of Incapacity of the Metropolitan Executive: In the absence or incapacity of the Metropolitan Executive, the emergency duties of the Metropolitan Executive, except the veto of ordinances, shall be performed by the Chairman of the Metropolitan Council. In the absence or incapacity of both the Metropolitan Executive and the Chairman of the Metropolitan Council, the Metropolitan Council shall select one of its own members to perform the emergency duties of the Metropolitan Executive, except the veto of ordinances.

§ 3.04 – Approval of Ordinances – Veto Power: The Metropolitan Executive is empowered to approve ordinances by subscribing them or to disapprove ordinances by veto within ten business days of receipt from the Metropolitan Council. If approved or not acted upon within ten business days, an ordinance shall become effective according to its terms at the end of such ten-day period. If disapproved by veto, an ordinance shall be returned to the Metropolitan Council accompanied by a written message indicating the reasons for disapproval. Any ordinance vetoed shall become effective only if readopted by roll call vote of a two-thirds majority of the Metropolitan Council membership.

§ 3.05 – Staff: The Metropolitan Executive may appoint such staff as may be required subject to the approval of funds by the Metropolitan Council.

§ 3.06 – Independent Board Selections: As to any independent board previously existing as any agency, authority, or other entity of, or in the City of Lynchburg or of, or in Moore County, and continued in effect by this Charter, other than those elected by public election, the membership thereof, whether upon the occurrence of a vacancy or the expiration of a term, shall be filled by election by the Metropolitan Council if such members were previously elected by the legislative bodies of the City of Lynchburg, of Moore County, or both; otherwise, such vacancies shall be filled by appointment by the Metropolitan Executive subject to confirmation by the Metropolitan Council.

## Article 4

## Metropolitan Executive Departments and Boards

§ 4.01 – Enactment and Amendment of Plan of Administrative Organization: Within the framework created by this Charter, and except as otherwise expressly provided, the powers and duties allocated to the office of the Metropolitan Executive may be delegated to and discharged through such administrative departments as may from time to time be created. The Metropolitan Council may by ordinance establish or amend any plan of administrative organization. A plan of administrative organization or amended plan of administrative organization may establish or abolish any department or board and may divide a department or departments into divisions. Nothing herein shall be construed as authorizing the abolition of any office, department, or board required by law.

§ 4.02 – Directors and Administrators: There shall be such directors and administrators as may from time to time be established by ordinance. Each shall be responsible to the Metropolitan Executive for all duties entrusted to such director or administrator. Each director or administrator shall conduct all departmental affairs in accordance with rules, regulation, and procedures promulgated by the Metropolitan Executive and in accordance with such additional instructions as the Metropolitan Executive may give consistent with all applicable Metropolitan ordinances. The directors and administrators shall be appointed by the Metropolitan Executive subject to confirmation by the Metropolitan Council and shall serve until removed by the Metropolitan Executive.

§ 4.03 – Allocation of Duties: Within the framework created by this Charter, and except as otherwise expressly provided, the powers and duties to the office of the Metropolitan Executive may be delegated and discharged through such administrative boards as may from time to time be created by ordinance.

§ 4.04 – Members of the Boards: Members of the boards shall be appointed by the Metropolitan Executive, subject to confirmation by the Metropolitan Council. Vacancies on boards shall be filled for any unexpired term in the same manner. The Metropolitan Executive shall be an ex-officio voting member of all boards created pursuant to this Article. Members shall serve until removed by the Metropolitan Executive.

§ 4.05 – Review, Modification, and Dissolution of Boards: Boards created by the Metropolitan Council shall be subject to review, modification, or dissolution by the Metropolitan Council.

§ 4.06 – Minimum Requirements: At a minimum, the departments and departmental functions created under this Article must include the following:

- (a) A Law Enforcement Department headed by the Sheriff of Moore County, which department shall have the obligation to enforce all state criminal laws and Metropolitan ordinances throughout the jurisdiction of the Metropolitan Government.
- (b) A Highway Department headed by a Highway Superintendent elected as required by law.
- (c) A Fire Department, headed by the Metropolitan Executive, or such person as the Metropolitan Executive may appoint subject to confirmation by the Metropolitan Council, which department shall be charged with fire fighting and fire prevention obligations throughout the Municipal Government. The Metropolitan Council is empowered to give financial support to such departments and salaries for employed personnel thereof selected in accordance with the governing by-laws of such departments.
- (d) A Planning Commission whose functions shall include (i) planning for orderly development of the area within the jurisdiction of the Metropolitan Government so as to minimize the public expense of expanding public services, and to protect the restriction of particular geographic area to particular uses, such as farming and residential uses, business uses, industrial uses, and other uses; (ii) the protection of the environment from excessive harmful influences; and (iii) the making of recommendations to the Metropolitan Council for the reapportionment of councilmanic districts and school districts, as such re-districting may be required by the laws of the state, by the final judgement of courts of general jurisdiction, or by the Metropolitan Council.
- (e) A Board of Zoning Appeals to carry out the functions normally performed by such boards.
- (f) The Public Works Department which shall be administered by the Metropolitan Executive and shall administer the building and zoning code enforcement including code inspection, reports, and certifications; all engineering functions including traffic engineering; building rehabilitation programs; the sanitation and garbage collection functions; and street and highway development and maintenance.

§ 4.07 – Purchases: All purchases and all contracts to obtain goods or services made or entered on behalf of the Metropolitan Government or any entity funded through the budget of the Metropolitan Government shall be made through a consolidated Metropolitan Purchasing Department. The Metropolitan Purchasing Department shall be administered by the Metropolitan Executive and conducted according to procedures which may be adopted from time to time by the Metropolitan Council. All such purchases and contracts shall be made or entered into in conformity with the procedures, rules, and regulations as may from time to time be adopted by the Metropolitan Government. The Metropolitan Executive by written order, or the Metropolitan Council by ordinance, may except from the requirements of this section any purchases or contracts, which by their nature are more appropriately handled in another manner, and make special provision therefor.

The Metropolitan Council shall establish a committee of three of its members to serve as an oversight committee as to the activities of the Metropolitan Purchasing Department. The committee shall also be charged with the responsibility of assuring by its review that the activities of the Metropolitan Purchasing Department are conducted in an ethical and lawful manner consistent with the best interest of the Metropolitan Government and in keeping with established procedures, rules, and regulations.

§ 4.08 – Metropolitan Attorney: The Metropolitan Executive, subject to the approval of the Metropolitan Council, shall employ such attorney, or attorneys, as may be necessary from time to time to supervise and direct the legal work of the Metropolitan Government, including providing legal advice and representation to the Metropolitan Executive, the Metropolitan Council, and all offices, departments, boards, and commissions concerning any matter arising in connection with the Metropolitan Government's business or the exercise of any official's powers or duties, including the prosecution or defense of any litigation.

It shall further be the duty of the Metropolitan Attorney to prepare, in codified form, a compilation of all private acts and Charter provisions which vest power in Moore County or in the City of Lynchburg and which are continued in effect by the provisions of this Charter, modifying the same to reflect changes in the names of governmental entities or officials. From time to time, such Attorney shall certify the correctness of such original compilations and any modifications thereof and file the same with the County Clerk. A certified copy thereof shall be prima facie evidence that such compilation is accurate and that the powers therein stated are duly vested in the Metropolitan Government.

§ 4.09 – Metropolitan Auditor: The Metropolitan Executive, with the approval of the Metropolitan Council, shall employ such auditor, or auditors, as may be necessary from time to time, who shall have such professional

qualifications as may be required by the general laws of the state to perform audits of the books and records of municipal corporation. Such auditor shall periodically inspect and audit the accounts and records of financial transactions maintained in each department, board, office, and agency of the Metropolitan Government and shall perform such other duties as may be assigned by the Metropolitan Council. The auditor may adopt, without examination, the periodic audits of any independent authority or officer of the Metropolitan Government if the integrity of the same, in the opinion of such auditor, is adequately assured either by such entity's own independent audit or review by the office of the Comptroller of the State of Tennessee or other such authority.

## Article 5

### Constitutional Offices

§ 5.01 – Continuation of Offices: All county constitutional offices except the offices of County Executive and County Commissioners shall continue as offices of the Metropolitan Government. These offices are that of Assessor or Property, County Clerk, County Register, County Trustee, County Sheriff and Circuit Court Clerk. Each such office shall continue to be entitled to fees and taxes pertaining to the office, which shall be remitted as required by law, and each shall have all expenses for the conduct of the office paid from the general funds of the Metropolitan Government in accordance with the annual budget. With such exceptions or additions as are herein provided, each shall continue to function in accordance with the general laws of Tennessee.

§ 5.02 – County Clerk: The County Clerk, in addition to other duties as assigned by the general laws of the State, shall function as general Secretary of the Metropolitan Government, shall prepare the minutes of all meetings of the Metropolitan Council, and shall be the official custodian of all Metropolitan Council resolutions and ordinances, all reports of the Trustee and of the Metropolitan Executive, all executive proclamations, and all other documents as the Metropolitan Council by ordinance may direct to be kept as a part of the permanent official records of the Metropolitan Government.

§ 5.03 – Office of Sheriff: The Sheriff shall have and exercise all powers and duties assigned to the Office of Sheriff by provisions of the general law including custody and control of all metropolitan penal facilities, providing Deputies to serve the Courts, and providing for the transportation of prisoners. The Sheriff shall be the principal conservator of the peace and be responsible for the enforcement of the criminal laws within the territory of the Metropolitan Government. By ordinance, the Metropolitan Council may assign to the Sheriff other duties not incompatible with those herein set out.

§ 5.04 – County Trustee: The County Trustee shall duly receive and deposit all receipts of the Metropolitan Government's general funds, except for such funds as are authorized to be maintained separately by authorities independently chartered. The Trustee shall maintain the treasury of the Metropolitan Government, shall be responsible for the disbursement and investment of Metropolitan Government funds pursuant to the authority of the Metropolitan Council, and shall make such reports to the Metropolitan Council as may be requested by the Council from time to time. Any fund received by the Metropolitan Trustee which was initially established to secure the payment of particular debts, such as sinking funds pertaining to bond issues, retirement funds created to protect particular groups of employees, and all other such funds shall be kept separate and intact by the Trustee and invested and used in accordance with the obligations attached to each such fund, whether such obligation shall have arisen from Charter provisions, statutes, bond resolutions, employment contracts or any other obligations recognized as legally binding.

§ 5.05 – Circuit Court Clerk: The Clerk of the Circuit Court shall also serve as Clerk of the General Sessions Court, Clerk of the Juvenile Court, and Clerk of such other courts of county wide jurisdictions as may in the future be established, with the exception of the Chancery Court.

## Article 6

### Authorities

§ 6.01 – Certain Authorities Continued: All authorities, agencies, and committees currently existing, whether independent, under the City of Lynchburg, or under Moore County are recognized and continued as agencies of the Metropolitan Government. They shall have the same relationship to the Metropolitan Government that they previously had to the City of Lynchburg or Moore County. The name of each such authority shall be modified by substituting the word "Metropolitan" for "Lynchburg" or "Moore County". To the extent duplication may exist after adoption of this Charter, the Metropolitan Council is authorized to make such changes by ordinance, as it deems appropriate. The charter of each such entity, all of which charters (whether created by Private Act, Municipal Ordinance, or both) shall be considered incorporated into and a part of this Metropolitan Charter and as such, any and every provision of any such charter shall be subject to amendment by the same procedure as is provided for amendment of this Charter.

§ 6.02 – Creation of Additional Authorities: The Metropolitan Council may, by ordinance, create other authorities vested with such powers as the Metropolitan Council may deem appropriate and beneficial to the public interest.

§ 6.03 – Metropolitan Constables: The office of Constable is abolished within the area of the Metropolitan Government, but the Metropolitan Council may, from time to time, create the office of Metropolitan Constable and provide for one (1) or more Metropolitan Constables to be elected at large from the area of the Metropolitan Government for a four-year term beginning on September 1 after election. Should a run-off election occur after September 1, then the Constable so elected shall take office immediately after the completion of such election. Such Metropolitan Constables shall have such qualifications and shall be given such law enforcement authority and other related duties as the Metropolitan Council may provide by ordinance. Such ordinance shall provide the mode of compensation of the Metropolitan Constables, either salary, fee, or a combination thereof. Such Metropolitan Constables shall be empowered to act within such geographic areas as the Metropolitan Council by ordinance may designate, but the powers vested in such Metropolitan Constables shall not exceed the powers vested by general state law in Constables as the same may exist on the effective date of this Charter.

## Article 7

### Service Districts

§ 7.01 – Services - Taxing Districts Established: The Metropolitan Government shall have a General Services District known as the Metropolitan General Services District, an Urban Services District known as the Lynchburg Urban Services District, which latter district shall be a municipal corporation, and any number of Special Services District established in accordance with § 7.05 hereof and named or designated as the Metropolitan Council may direct. The Moore County General Services District, the Lynchburg Urban Services District, and each Special Service District created by the Metropolitan Council shall be considered a separate tax district.

§ 7.02 – Allocation of Services Among the Several Services Districts: The Metropolitan Council shall by ordinance assign, reassign, and adjust services within the various service districts. Each such ordinance shall include an adjustment of the tax rate in each district to reflect any reallocation of service costs among districts.

§ 7.03 – Metropolitan General Services District: The Metropolitan General Services District shall consist of total area of Moore County. General administrative costs of the Metropolitan Government shall be assigned to the Metropolitan General Services District along with such other services as the Metropolitan Council may by ordinance direct in accordance with § 7.02 hereof. Such general administrative costs shall include, at a minimum, all expenses relating to the constitutional offices herein before mentioned; the Metropolitan



Council; the Metropolitan Executive; employment of attorneys, auditors, and other professionals; all expenses pertaining to the operation of the former city and county consolidated education systems, ambulance authority, and primary health care; and all debt service obligations of any and all outstanding bond issues of Moore County or any instrumentality thereof.

§ 7.04 – Lynchburg Urban Services District: The Lynchburg Urban Services District shall consist initially of the area encompassed by the corporate boundaries of the City of Lynchburg, and the individuals residing within that area shall receive all applicable urban services as of the effective date of this Charter. All debt service obligations pertaining to all outstanding bonds of the City of Lynchburg, except any transferable to the Metropolitan General Services District as pertaining to the former Lynchburg-Moore County entities named in § 7.03, and all accrued obligations of the City of Lynchburg owed under all retirement plans maintained by the City of Lynchburg shall be attributable to the Lynchburg Urban Services District. Whenever it shall appear to the Metropolitan Council that areas outside the Lynchburg Urban Services District shall be in need of urban services, or whenever substantial urban services shall already have been afforded to such areas, the Metropolitan Council may provide for the enlargement of the Lynchburg Urban Services District by ordinance to add to it such additional areas. Such enlargement shall in all manners comply with the general law then applicable.

§ 7.05 – Special Service Districts: Special Service Districts may be established, expanded, or altered for the purpose of furnishing one or more urban service to an area when the Metropolitan Council found that the area needs such services, as well as for the purpose of implementing enlargement of the Lynchburg Urban Services District under § 7.04 of this Charter. The boundaries of Special Service Districts may, but need not, be contiguous with the boundaries of the Lynchburg Urban Services District, and may overlap or be coextensive with the boundaries of other Special Services Districts. Creation, expansion, or alteration of Special Service Districts shall be according to the following procedure:

- (a) The Metropolitan Council shall by ordinance (1) propose the boundaries of such new, altered, or expanded Special Service District; (2) propose services to be rendered in such new, altered, or expanded Special Services District; (3) state the Special Service District's share of the cost of such services; (4) schedule a public hearing for discussion of the proposed new, altered, or expanded Special Service District.
- (b) The Metropolitan Council may authorize a referendum upon the question of whether such Special Service District shall be created

or may create the same by ordinance without a referendum but in either event, in the creation of such a Special Service District, the Metropolitan Council shall take or cause to be taken all steps required by the general laws applicable to Metropolitan Governments, including notice to the property owners within such Special Service District, the levy of annual and valorem taxes upon property within such district, and any and all other steps as may be required by applicable law.

§ 7.06 – Industrial Parks: The Metropolitan Council shall have full power to establish, at any location within the Metropolitan Government, industrial parks as contemplated by general law. It shall not be necessary to establish a special district in order to establish an industrial park.

## Article 8

### Public Education

§ 8.01 – Establishment and Authority of the School Board: Public education within the area of the Metropolitan Government shall be the responsibility of a single, consolidated Metropolitan School System which shall be controlled and administered by a Metropolitan School Board. The cost of public education shall be assigned to the Metropolitan General Services District. The School Board shall be composed of five members elected one each from each of the five Councilmanic Districts as provided for in Article 15 hereof.

The School Board shall, in accordance with general law, do all things necessary and proper for the operation of an efficient and accredited school system. The School Board shall adopt written rules, regulations, and policies for the operation of the school system; prepare budgets which shall be delivered to the Metropolitan Council in accordance with Article 9 hereof; shall adopt a pay plan to be applicable to all certified employees employed under teaching certificates both in teaching and in administrative positions; and meet publicly at least monthly to set policy and review the operation of the school system. School Board meetings shall be public and a record of all proceedings shall be maintained by the Superintendent.

§ 8.02 – Terms, Qualifications, and Compensation of School Board Members: Members of the Metropolitan School Board shall serve staggered terms of six years and shall assume office on September 1 following their election. Should a run-off election occur after September 1, then the member or members so elected shall take office immediately after the completion of such election. Each candidate for the School Board shall be a qualified voter and shall have been a resident of the school district from which he is elected for a

continuous period of at least one year immediately before the deadline for filing as a candidate for the School Board. The Metropolitan Council shall from time to time fix the amount of compensation, if any, to be paid to School Board members.

§ 8.03 – Election of Officers for the School Board - Procedure: The School Board shall select, from among its members, a chairman and a vice-chairman who shall serve for a term of one year. If the office of chairman is vacated, the vice-chairman shall become acting chairman until the School Board selects a new chairman. The School Board shall select such additional officers and establish such committees as it deems advisable. Except as otherwise provided in this Charter, the School Board shall determine its own rules and order of business.

§ 8.04 – School Superintendent: A superintendent of Schools, certified as required by law, shall be elected at large from the area of the Metropolitan Government. Service as Superintendent shall not be credited to the acquisition of tenure unless specifically approved by the School Board. The Superintendent shall be the chief administrative employee of the School Board. The School Board shall, in accordance with general law, assign to the Superintendent such duties and responsibilities as are necessarily or properly assigned to a city or county Superintendent of Schools.

§ 8.05 – Tenure: Any person first employed in the school system as a principal, teacher, or other employee certified by the State School Board after the effective date of this Charter shall have tenure in accordance with and to the extent allowed under the provisions of general law relative to tenure. The School Board shall have the power to promulgate and institute regulations governing tenure not inconsistent with the general law of Tennessee relative to tenure and the provisions of this Charter.

§ 8.06 – Diversion of Funds Prohibited: No funds which have been appropriated for the use of, or transferred to, the school system shall be diverted from that use to any other.

## Article 9

### Budgets and Metropolitan Government Debt

§ 9.01 – General Budget Authority: The Metropolitan Council shall provide, by ordinance not inconsistent with this Charter or general law, procedures and requirements for the preparation, adoption, and execution of annual operating and capital improvements budgets. The Metropolitan Council shall likewise provide such other procedures in connection with the budgets

including, but not limited to, allotments, appropriations, impoundment of funds, additional appropriations, transfer of appropriations, lapse of appropriations, general fund reserve, and contingent fund reserve, as it, in its discretion, may deem necessary.

§ 9.02 – Fiscal Year: The fiscal year of the Metropolitan Government shall be set by ordinance. The same fiscal year shall apply to all budgeting, accounting, and financial reporting activity by the Metropolitan Government.

§ 9.03 – Budget Proposal - Procedure: The Metropolitan Executive shall obtain from all offices, departments, boards, and agencies for which appropriations are made by the Metropolitan Government or which collect revenues for the Metropolitan Government (except for independent self-supporting agencies of the Metropolitan Government), such information as shall be necessary to compile the annual operating and capital improvements budgets. All offices, departments, boards and agencies from time to time shall furnish such information and reports as the Metropolitan Executive may require, in the form prescribed. The Metropolitan Executive shall propose annual operating and capital improvements budgets to the Metropolitan Council in writing not less than ninety days before the beginning of each fiscal year. The budgets shall include an analysis of the fiscal implications of all tax levies and programs including a breakdown of the amount budgeted for major budget categories, and such other information as may be deemed necessary by the Metropolitan Council in considering the Metropolitan Executive's proposal.

§ 9.04 – Scope and Form of Budgets: Both the annual operating and capital improvements budgets shall consist of at least the following parts. Part I shall set forth the revenues, expenditures and program information for those services, functions, activities, and capital improvements pertaining to the Metropolitan General Services District. Part II shall set forth the same information for the Lynchburg Urban Services District. Part III shall set forth the same information for any Special Service District.

§ 9.05 – Adoption of the Annual Operating and Capital Improvement Budgets: After receiving the annual operating and capital improvements budgets, the Metropolitan Council shall hold at least one public hearing devoted exclusively to the consideration of the budgets. The Metropolitan Council may amend the proposed budgets but in any event each operating budget as adopted shall provide for all expenditures required by this Charter or by general law pertaining to metropolitan governments and for all debt service requirements for the next fiscal year. The Metropolitan Council may make additional appropriations to the Metropolitan Government, provided that the additional funds are derived from additional revenue or unappropriated funds.

§ 9.06 – Levy of Taxes: The Metropolitan Council and the Urban Council shall, at least fifteen days before the beginning of the new fiscal year, levy taxes sufficient with other available funds to balance the budget as adopted. The Metropolitan Council may employ any method of taxation now or hereafter authorized to municipal, county, or metropolitan governments by general law. Within the Metropolitan General Services District and each Special Service District, the Metropolitan Council shall levy an ad valorem tax on property and shall levy other taxes so as to be sufficient with other available funds to defray the costs set forth in Parts I and III of the budgets as adopted. As to property within the Lynchburg Urban Services District, the Urban Council shall levy ad valorem taxes on property, so as to be sufficient with other available funds to defray the costs set forth in Part II of the budgets as adopted with respect to the Lynchburg Urban Services District.

§ 9.07 – Public Records: The budgets, budget proposals, and all supporting schedules and all records relative to indebtedness shall be public records and shall be open to public inspection.

## Article 10

### Metropolitan Government Debt

§ 10.01 – Debt Obligation Authority: The Metropolitan Government may, when authorized by ordinance of the Metropolitan Council, issue short-term debt obligations. The Metropolitan Government may issue long-term debt obligations for any public purpose in accordance with the provision of this Charter or general law. For purposes of this Charter, the term "short-term debt obligation" shall refer to any indebtedness required to be repaid within one year of its being incurred. Long-term debt obligations of the Metropolitan Government may be issued with adjustable or floating interest rates or with specified maximum interest rates and may be marketed by competitive bid or negotiated sale. The Metropolitan Council shall have the right to delegate the authority to adjust interest rates and the administration of the marketing of long-term debt obligations. The Metropolitan Council may, by ordinance not inconsistent with the provisions of this Charter, establish additional procedures and conditions for long-term obligations.

§ 10.02 – Approval of Issues of Long-Term Debt Obligations: Long-term debt obligations of the Metropolitan Government shall be issued only following the adoption of a resolution, approved by a vote of two-thirds of the Metropolitan Council membership, authorizing the issue and stating the amount, interest terms, and purpose thereof.

§ 10.03 – Approval of Issues of Long-Term Debt Obligations: For the issuances of long-term debt obligations, the Metropolitan Council shall adopt a bond resolution by the majority hereinbefore required. In adopting such resolutions, the Metropolitan Council is authorized to act pursuant to any general law of the State of Tennessee then in effect, which generally authorizes counties, cities, or other governmental entities or political subdivision of the State of Tennessee to issue bonds. The power to issue such bonds shall include as well as the power to issue bond anticipation notes and to issue grant anticipation notes if appropriate. The bond resolution must make reference to the particular chapter of the Tennessee Code being adopted by the Metropolitan Council as authority for issuance of the bonds, and the Metropolitan Council shall adhere strictly to all provisions thereof in adopting its bond resolution, except as to any conditions or limitations which shall have been made inapplicable to Metropolitan Governments by general law. If the bonds are to be revenue bonds rather than bonds based upon the Metropolitan Government's taxing powers, the Metropolitan Council may act under authority of any law authorizing the issuance of revenue bonds for the construction of public utility systems. Any and all provisions authorized or permissible under the law under whose authority the Metropolitan Council shall elect to issue the bonds may be included in the bond resolutions and in the bonds themselves, Unless the Metropolitan Council shall act pursuant to a general law requiring a referendum, the approval of the electorate shall not be required for the issuance of such bonds.

§ 10.04 – Full Faith and Credit, Allocation of Proceeds, and Payment: The full faith and credit of the Metropolitan Government shall be obliged for all long-term debt obligations issued by the Metropolitan Government, based upon its taxing powers, unless otherwise provided in the issue. The proceeds and payment of all debt obligations issued by the Metropolitan Government shall be allocated to the service district for which the proceeds of the debt obligation are intended as set forth by ordinance of the Metropolitan Council in accordance with this Charter or applicable general law.

§ 10.05 – Trust Fund: The proceeds of all long term debt obligation issues and the interest earned thereof shall constitute a trust fund, and each issue shall be accounted for and used exclusively for the purposes for which the issue was authorized, and in accordance with the terms of the bond ordinance or resolution.

§ 10.06 – Debt Service Fund: All revenue collected for the purpose of servicing or retiring a long-term debt obligation issue shall be used exclusively for the payment of principal and interest; provided, however, that the resolution authorizing the long-term debt obligation issued may allow funding of a reserve for maintenance or replacement of any improvement constructed with said

long-term debt obligation. A debt service fund and debt service reserve fund may be established for amortization of all issues for each services district having a long-term indebtedness.

## Article 11

### Judicial

§ 11.01 – Metropolitan Court of General Sessions: Under this charter, the Municipal Court of the City of Lynchburg will be consolidated with the General Sessions Court of Moore County as an additional division thereof, to form a Metropolitan Court of General Sessions. There shall be one judge of the said Metropolitan Court of General Sessions who shall be an attorney duly licensed to practice law in the courts of Tennessee. The schedule and procedure for establishing such court shall be as described in the transitional provisions set out below. The Metropolitan Court of General Sessions shall have jurisdiction over all penal ordinances throughout the Metropolitan General Services District, in addition to all jurisdiction heretofore vested in the Moore County Court of General Sessions. Judges of the Metropolitan Court of General Sessions shall be elected by popular vote of the registered voters in the Metropolitan General Services District for terms of eight years as provided by general law with respect to the election of judges of General Session Courts.

The Metropolitan Council may from time to time increase the number of judges of the General Sessions Court by ordinance, but such ordinance shall have no effect until the same shall have been approved by referendum under Article 13 of this Charter. The general laws pertaining to the General Sessions Court shall govern the qualification and compensation of judges of the Metropolitan Court of General Sessions and with respect to appeals from the Metropolitan Court of General Sessions.

§ 11.02 – Metropolitan Juvenile Court: The Juvenile Court for Moore County has heretofore been conducted by the General Sessions Court of Moore County. Under this charter, such Court shall continue to be conducted by the Metropolitan Court of General Sessions, and shall have the same relationship to the Metropolitan Government that it formerly had to Moore County as a Juvenile Court. The Metropolitan Court of General Session shall have all the rights, powers, duties, obligations, and responsibilities as provided by the Act creating the said Juvenile Court and any amendments thereto, and all rights, powers, duties, obligations, and responsibilities as now or hereafter may be provided by general law for Juvenile Courts. The schedule and procedure for the creation of the Metropolitan Court of General Sessions shall be as described in the transitional provisions set out below.

§ 11.03 – Chancery and Circuit Courts: This Charter shall have no effect upon the Chancery of Circuit Courts established for or functioning in Moore County upon the effective date of this Charter.

## Article 12

### Metropolitan Government Employees Pension, Retirement, Civil Service

§ 12.01 – Existing Pension and Retirement Systems: The Metropolitan Council may by ordinance not inconsistent with this Charter provide a system or systems for pension and retirement benefits for employees of the Metropolitan Government. In discharging such obligations, the Metropolitan Council may establish new retirement and pension systems or provide for participation in existing systems or in systems provided for metropolitan government employees by general law. The Metropolitan Council shall maintain in a sound condition all employee retirement and pension systems hereby established or recognized.

§ 12.02 – Existing Pension and Retirement Systems: Existing employee pension and retirement systems of the City of Lynchburg and Moore County if any, as of the effective date of this Charter are hereby recognized and continued. Each such existing system shall continue in effect until there remain no individuals holding vested rights within the coverage of such system. Any Civil Service Plan shall include provisions for consolidating such city and county pension and retirement systems and their administration, and shall also include provisions for optional transfer from any former city, county, or other plan to the Metropolitan plan, including provision for fund transfers relating to individual transfers, where appropriate.

§ 12.03 – Civil Service System: A single consolidated Civil Service System may be established by ordinance and shall be administered by a five-member Civil Service Council, whose members shall be selected by the Council for such terms as it deems appropriate. The system shall be administered in accordance with the provisions of this Charter and in accordance with such ordinances as the Metropolitan Council may enact consistent with this Charter. The provisions and classifications of any such system shall likewise be established by ordinance.



## Article 13

## Elections

§ 13.01 – Election Commission: The Moore County Election Commission is recognized and continued as the Metropolitan Election Commission. It is empowered to call and conduct elections as hereinafter provided, and empowered and obligated to conduct all general and primary elections that may be required by the general laws of the state. Said Election Commission shall select and arrange for the availability of all polling places in such manner as to best serve the public convenience and minimize the expense of elections in accordance with the general laws. Except as otherwise provided herein, Metropolitan Government elections shall be conducted in accordance with general law governing county elections.

§ 13.02 – Times and Expenses of Elections: At the expense of the Metropolitan General Services District, the Metropolitan Government shall hold all Metropolitan Government elections and all elections required by the general laws of the state. General elections for Metropolitan Government and constitutional offices shall be held on the first Thursday in August in each even-numbered year as necessary. The elections required by the general laws shall be held at the times required by such laws and the Metropolitan Council may vary the dates for Metropolitan Government elections by as much as fourteen days in order to cause them to coincide with elections required by the general laws.

§ 13.03 – Qualification of Voters: All persons who reside in and are lawfully registered in Moore County and are qualified to vote in state elections shall be qualified to vote in the councilmanic or school district in which they reside for Metropolitan Government officers elected from districts. All persons who reside in and are lawfully registered in Moore County and are qualified to vote in state elections shall be qualified to vote for Metropolitan Government officers elected at large and in other elections at which voters throughout the Metropolitan General Services District cast ballots. In elections to be held in more restricted areas, relative to annexation or Special Service Districts, all persons who are lawfully registered to vote in Moore County in state elections and live in or own free-hold estates in such restricted area shall be qualified to vote.

§ 13.04 – Requirements for Inclusion on Ballot: A person shall be included on a ballot as a candidate for Metropolitan Government office if nominated by a petition: (a) signed by a twenty-five or more voters qualified to vote for the office in question; (b) filed with the commission by the first Thursday in the second calendar month before the election; and (c) which contains the

candidate's certification that such candidate has all qualifications prescribed for the office.

§ 13.05 – Regular and Run-off Metropolitan Government Elections: All elections for Metropolitan Executive, Metropolitan Council and School Board shall be non-partisan and the candidate receiving the greatest number of votes cast for each office shall be elected. In the event of a tie vote among the two leading candidates for any Metropolitan Government office, the run-off elections shall be held between the two candidates receiving the highest number of votes on a date set by the Elections Commission not less than 15, nor more than 45 days after the regular election, and the candidate receiving the plurality therein shall be elected.

§ 13.06 – Questions Subject to Referenda: The Election Commission shall cause to be placed on the ballot, at a regular election or, if necessary, at a special election, questions subject to referenda. Questions subject to referenda shall be limited to: (a) amendments to this Charter in accordance with Article 14 hereof; (b) the creation or alteration of a Special Service District; (c) the recall of Metropolitan Government officers; (d) certain bond issues; (e) the adoption or repeal of ordinances by initiative and referendum; and (f) those required by this Charter. Any referendum question or proposal shall pass when a majority of the votes cast on the question or proposal are cast in favor of the same.

§ 13.07 – Procedures for Referenda Elections: Upon receipt of an ordinance or resolution requiring a referendum as authorized by this Charter, or whenever under this Charter the requisites for requirement of a special election shall be met, the Elections Commission shall cause said proposal to be placed on the ballot at a special referendum election to be scheduled not less than 45 nor more than 90 days thereafter. If, however, a county wide election is scheduled to be held within 120 days, the proposal shall be included on the ballot at said county wide election and a special election shall not be scheduled. The Election Commission shall cause the proposal to be published on not less than three separate dates in a newspaper of general circulation within the Metropolitan General Services District. Said publications shall be not more than twenty, nor less than five days before the referendum election.

§ 13.08 – Requirements of Referenda: Referenda shall be held within the appropriate area, whether the Metropolitan General Services District of a particular service or election district, upon the filing of a petition meeting the requisites of § 13.09 and seeking the recall of any elected official other than constitutional officials, or the adoption or repeal of any ordinance or ordinances relating to Special Service Districts; providing that petitions seeking to rescind ordinances creating or modifying special districts must be filed within forty-five days after adoption of such ordinance, and no action shall be taken under such

ordinance pending disposition of the referendum upon any petition for adoption of an ordinance (including a rescinding ordinance, an ordinance proposing a Charter amendment, or any other ordinance) unless the Metropolitan Council shall fail to adopt such ordinance within forty five days after the Election Commission shall have determined, under § 13.09, that the referendum petition is proper. Such determination, when made, shall be immediately certified to the Metropolitan Council.

§ 13.09 – Referendum Petition Requisites and Procedures: For recall elections and petitions to submit questions subject to referenda to the electorate, the petitions shall: (a) be signed and dated by no fewer than ten percent of that number of qualified voters casting votes in the most recent general election within the Metropolitan General Services District or within such more restricted areas as may apply to such particular referendum; (b) bear the address of each signatory next to or immediately below each signature; (c) contain on each page a statement reciting the question for referendum; and (d) contain, upon each page, a sworn statement of an affiant that all signatures on the page are genuine and were executed in the affiant's presence. The affidavit of execution may cover a group of pages bound together. Promptly upon the filing of such referendum petition, the Council shall ascertain whether; (a) it is in proper form; (b) it is signed by the required number of persons; and (c) the signatures are genuine. If the Council shall determine that the petition is insufficient, it shall return the same to the person who filed it, with a written statement of the reasons for its insufficiency, and without prejudice to the filing of a new petition at a later date, provided that any applicable time limitation must be met. If the Council finds the petition sufficient, it shall proceed as required by § 13.08.

§ 13.10 – Recall Elections: In the event a recall election is held, the incumbent shall be recalled only if a majority of the voters voting in such election shall vote for recall. In the event of recall, the recall incumbent's office shall immediately stand vacant and shall be filled promptly as provide by § 2.08.

§ 13.11 – Amendment of Districts: The Councilmanic and School Board Districts as originally provided under this Charter, and as they may exist from time to time after this Charter shall become effective, shall be amended by ordinance of the Metropolitan Council. Any such proposed redistricting shall be in conformity with the requirements of this Charter and of general law. Any such redistricting shall be completed not later than sixty (60) days prior to the date upon which any election to fill any such office subject to the redistricting is to be held. Any redistricting shall be prospective only and shall not take effect prior to the conclusion of the then term of persons holding any office subject to such redistricting.

## Article 14

## Amendments to Charter

§ 14.01 – Amendment Pursuant to Metropolitan Council Resolution: Amendments to this Charter may be proposed by resolution passed by a two-thirds majority of the Metropolitan Council Membership on a separate reading at three consecutive meetings. Proposed amendments shall then be submitted to the electorate as provided in Article 13 hereof.

§ 14.02 – Amendment of Revocation by Petition: Amendment of this Charter may be accomplished by petition in the form and subject to the procedure for amendment by petition of the people outline in Article 13 hereof.

§ 14.03 – Charter Revision Commission: The Metropolitan Council may by ordinance establish a Charter Revision Council to hold hearings and to make recommendations to the Metropolitan Council with respect to amendments of this Charter. The Charter Revision Commission shall consist of one member from each Councilmanic district.

## Article 15

## Transition and Effective Date

§ 15.01 – Effective Date: The effective date of this Charter, and of each and every step, procedure, and consolidation provided for herein, unless specifically provided, shall be January 1, 1988.

§ 15.02 – Councilmanic Districts: The five Magisterial districts as in effect in Moore County for the purpose of election of the County Commissioners as of the date of the adoption of this Charter shall be the initial Councilmanic districts as provided for herein. Such districts shall hereafter continue to be the Councilmanic districts for all purposes, unless, and until, a redistricting of such is enacted by the Metropolitan Council.

§ 15.03 – Initial School Board Districts: The five School Board districts as in effect in Moore County for the purpose of election of the School Board as of the date of the adoption of this Charter shall be the initial School Board districts as provided for herein. Such districts shall hereafter continue to be the School Board districts for all purposes, unless, and until, a redistricting of such is enacted by the Metropolitan Council.

§ 15.04 – Initial Metropolitan Executive, Metropolitan Council, and Urban Council: The initial Metropolitan Executive shall be the County Executive

serving in such office as of the date of this Charter becoming effective. The initial Metropolitan Council shall be the County Commissioners serving as of the date of this Charter becoming effective, each such former Commissioner becoming the Council Member to serve the respective district from which he or she was originally elected. The initial Urban Council shall be those County Commissioners representing the First Civil District as of the date of this Charter becoming effective.

§ 15.05 – Initial School Board: The initial School Board shall be those persons serving as the School Board on the date upon which this Charter becomes effective with each such School Board member representing the District from which he or she was originally elected.

§ 15.06 – Terms: The Metropolitan Executive, Metropolitan Council, School Board, and any other elected official provided for in this Charter, shall continue in their elected capacity, under this Charter, from and after the effective date of this Charter, until the date upon which they would have stood for re-election had this Charter not been adopted.

§ 15.07 – Terms of the School Board: The members of the School Board becoming the Metropolitan School Board shall continue to serve for such terms and period of time as they would have served had this Charter not become effective. The School Board members presently, prior to the adoption of this Charter, serve a term of six (6) years but the election of such members is staggered so that one or two of such members will stand for election at the time of the general election in August on each even numbered year. Such provisions for the terms, districts, and election of the School Board are adopted into this Charter. The terms of the School Board members from each respective district shall expire, and their successor be elected, on the same day and date as if this charter had not been adopted.

§ 15.08 – Continued Compensation: Any and all officials receiving compensation from Moore County or the City of Lynchburg as of the date of this Charter becoming effective, including, but not limited to, the County Executive, the Metropolitan Council, and the School Board, upon this Charter becoming effective, shall continue to receive the same compensation payable in the same manner until the end of their existing term as they would have received had this Charter not become effective.

§ 15.09 – Ordinances Continued: All ordinances and resolutions of the City of Lynchburg and of Moore County in effect as of the date that this Charter becomes effective, and not inconsistent with the terms and provisions of this Charter, shall be effective as ordinances and resolutions of the Metropolitan Government until they have been repealed, modified, or amended. All rules and

regulations of the boards, departments, and agencies of the City of Lynchburg and of Moore County, in effect as of the date this Charter becomes effective, and not inconsistent with the terms and provisions of this Charter, shall be effective as rules and regulations of the appropriate board, department, or agency of the Metropolitan Government until they have been repealed, modified, or amended.

§ 15.10 – Legal Obligations: Except as otherwise provided by this Charter, all contracts, obligations, and instruments entered into by the City of Lynchburg or by Moore County which are in effect as of the date this Charter becomes effective shall continue in full force and effect according to the terms thereof as obligations, liabilities, and assets of the Metropolitan Government. Neither the rights, nor obligations, nor any such contract, obligation, or instrument shall be abated or otherwise affected by the adoption or implementation of this Charter. As to any such contract, obligation, or instrument entered into prior to the effective date of this Charter, the Metropolitan Government shall be considered a third party beneficiary until the effective date of this Charter and shall be regarded as a substitute party after the effective date of this Charter.

§ 15.11 – Property and Liabilities: As of the effective date of this Charter, all right, title, and interest in and to any and all real and personal property at that time vested in the City of Lynchburg or in Moore County individually or jointly shall be vested in the Metropolitan Government. All assets and liabilities of the City of Lynchburg and of Moore County both individually and jointly as of the effective date of this Charter, shall be vested in and accrue to the Metropolitan Government as of the effective date of this Charter.

§ 15.12 – Officials of the City of Lynchburg: As of the effective date of this Charter the authority of the then existing officials of the City of Lynchburg shall terminate and all such authority shall pass to the appropriate officials of the Metropolitan Government. For the purposes of transition, the Metropolitan Council may provide for the continuation of duties as consultants, or administrative officers, of any of the then existing officials of the City of Lynchburg for such period of time as may be deemed appropriate at such compensation, if any, as may be deemed appropriate.

§ 15.13 – Metropolitan Court of General Sessions: The provisions of Article 11 relating to the creation of the Metropolitan Court of General Sessions and as to such Court assuming the jurisdiction of the Juvenile Court presently carried out by the Court of General Sessions of Moore County shall be effective on the first day of September, 1990. In the interim, the Court of General Sessions of Moore County as presently constituted, and with its current jurisdiction, shall remain in full force and effect. Any Municipal Court judge or judges required by the former City of Lynchburg, and which shall be required

between the effective date of this Charter and September 1, 1990, shall be filled as may be deemed appropriate by the Metropolitan Council.

§ 15.14 – Miscellaneous Provisions: From and after adoption of this Charter by the voters, the County Commissioners of Moore County prior to the effective date of this Charter, and the Metropolitan Council from and after such effective date shall have the power by ordinance to make appropriate provision for the implementing of the consolidation into the Metropolitan Government, including as necessary, any special provisions or appropriations to deal with any problems, duplications, or omissions arising during such process.

## Article 16

### Interpretation

§ 16.01 – Titles and Subtitles Not Part of Charter: The titles, subtitles, and captions appearing before the articles and sections of this Charter are not part of the Charter and are not intended to determine or restrict the meaning of any provision. Titles, subtitles, and captions have been placed in this Charter merely for convenience.

§ 16.02 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Charter, or the application of same to any person or circumstance should be declared invalid for any reason, the decision shall not affect the remaining portions or other applications of this Charter, which shall remain in full force and effect; and to this end the provisions of this Charter and the applications thereof are declared to be severable.

Amendments  
to the  
Lynchburg, Moore County  
Metropolitan Government Charter



GENERAL ELECTION  
NOVEMBER 8, 1988  
CHARTER AMENDMENT  
ARTICLE 2

Delete all Section 2.04 -Urban Council, which reads as follows:

"Each year, the three members of the Council residing within the Lynchburg Urban Services District who were elected to their offices by the largest popular votes shall constitute the Urban Council. The Urban Council shall meet immediately following any meeting of the Metropolitan Council at which an annual budget is adopted or amended, or at which the annual tax rate for the Metropolitan General Services District is adopted or amended, and shall in accordance with Article 9 hereof: determine the property tax levy in the Lynchburg Urban Services District. Except as otherwise provided in this Charter, the Urban Council shall determine its own rules and order of business. In order to be certain that there are at least three members of the Metropolitan Council to constitute the Urban Council, the Metropolitan Council may provide as an additional qualification for no more than three council seats that the successful candidate reside within the Urban Services District."

and substitute in its stead the following:

"Section 2.04 -Urban Council: The Urban Council shall be elected by the qualified voters residing in the Urban Services District and shall consist of three members who shall be residents of Moore County for a period of at least one (1) year and residents of Urban Services District for a period of at least six (6) months prior to the deadline of qualifying as candidates. Members of the Urban Council shall serve for terms of four (4) years and shall assume office on September 1 following the date scheduled for their election. Should a run-off election occur after September 1, then the member of members so elected shall take office immediately after the completion of such election. The Urban Council shall meet immediately following any meeting of the Metropolitan Council at which an annual budget is adopted or amended, or at which the annual tax rate for the Metropolitan General Services District is adopted or amended, and shall in accordance with Article 9 hereof: determine the property tax levy in the Lynchburg, Urban Services District. Except as otherwise provided in this Charter, the Urban Council shall determine its own rules and order of business. The sole function of the Urban Council shall be mandatory obligation to levy a property tax adequate, with other available funds, to finance the budget for urban services as determined by the Metropolitan Council. The compensation payable to members of the Urban Council shall be set by the Metropolitan Council and may be modified from time to time by the Metropolitan Council; but said modification shall be effective only at the beginning of the next regular term of office of the members of the Urban Council."

VOTE:           FOR -227

84 -AGAINST

## CHARTER AMENDMENT

Delete the last sentence of Section 15.04 which reads as follows: "The initial Urban Council shall be those County Commissions representing the First Civil District as of the date of this Charter becoming effective,"

And substituting therefor the following:

"The initial Urban Council shall be the following officers of the City of Lynchburg: Mayor, City Recorder, and City Treasurer. The initial term of the Urban Council shall commence upon the effective date of this Charter and shall expire on August 31, 1990."

VOTE: FOR -226

96 -AGAINST

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## CHARTER AMENDMENT (Chairman pro tern) ARTICLE 2

By adding at the end of Section 2.03 -Presiding Officer, the following:

"Immediately after the annual election of the Chairman, the Metropolitan Council shall, by majority vote, annually elect one of its members as Chairman pro tern. The Chairman pro tern shall serve in the absence or inability of the Chairman and shall perform all duties and functions and be vested with all authorities and responsibilities as the Chairman."

VOTE: FOR -251

58 - AGAINST

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**GENERAL ELECTION  
AUGUST 6, 1992  
CHARTER AMENDMENT**

Request an amendment of the current law to authorize the sale by Jack Daniel Distillery of a commemorative bottle of Jack Daniel Whiskey to be sold on the distillery premises only with a provision for a special tax of \$3.50 per bottle in addition to all current applicable state and local taxes, which special tax shall be paid directly to Lynchburg/Moore County Metropolitan Government.

**VOTE: FOR -786**

**452 -AGAINST**

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**GENERAL ELECTION  
August 5, 2010  
CHARTER AMENDMENT**

**CHARTER AMENDMENT (CLARIFICATION OF MAJORITY)**

"All references to 'a majority of its members or membership shall be interpreted as a majority of the then existing Metropolitan Council Member seats, not merely a majority vote of the quorum present and voting unless different requirements are stated in these rules for dealing with internal business."

"All references to 'two-thirds majority of its membership' shall be interpreted as two-thirds majority of the then existing metropolitan Council Member seats, not merely a majority vote of the quorum present and voting."

**VOTE**

**FOR: 1361**

**AGAINST:322**

**CHARTER AMENDMENT (Metropolitan Executive)**

"All references to 'Metropolitan Executive' in the Charter of the Metropolitan Lynchburg/Moore County, Tennessee, shall be hereby amended and replaced with the title "Metropolitan Mayor."

**VOTE**

**FOR: 1432**

**AGAINST: 322**