

CHARTER FOR THE CITY OF GRAND JUNCTION, TENNESSEE¹

CHAPTER NO. 75

HOUSE BILL NO. 297

By Ross

Substituted for: Senate Bill No. 254

By Wilder

AN ACT continuing the corporate existence of the City of Grand Junction, Tennessee, providing a complete new Charter for said corporation, and to repeal Chapter 276, Private Acts of 1901; Chapter 491, Private Acts of 1931; and, all conflicting Acts or laws.

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¹Priv. Acts 1969, ch. 75, is the current basic charter act for the City of Grand Junction, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2020 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

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SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the City of Grand Junction, Tennessee, shall continue as a body politic and corporate by the name and style of Grand Junction, Tennessee, and this Act shall constitute its complete Charter. The City of Grand Junction shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

SECTION 2. BE IT FURTHER ENACTED, That as used in this Charter the following words and terms shall have the following meanings:

- (a) "City" shall mean the City of Grand Junction.
- (b) "Board" and "Board of Aldermen" shall mean the legislative body of the City, which shall be composed of the mayor and six aldermen elected as provided in this Charter, and any incumbent aldermen until the expiration of their current terms of office.
- (c) "Alderman" and "member of the Board" shall mean a person elected to the office of alderman as provided in this Charter, and shall include the mayor.
- (d) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.
- (e) "At large" shall mean the entire city, as distinguished from representation by wards or other districts.
- (f) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.
- (g) "Elector" shall mean a qualified voter residing within the City.

(h) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

SECTION 3. BE IT FURTHER ENACTED, That the corporate boundaries or limits of the City of Grand Junction shall be and embrace all the territory now within the corporate limits of the City of Grand Junction as of the effective date of this act, as heretofore established and defined by acts of the General Assembly of Tennessee, by ordinances of the City of Grand Junction and by law or ordinances or as may hereafter be modified by acts of the General Assembly or ordinances of the City of Grand Junction. [As replaced by Priv. Acts 2018, ch. 49, § 1]

SECTION 4. BE IT FURTHER ENACTED, That the City shall have the power to:

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

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

(c) Make special assessments for local improvements;

(d) Contract and be contracted with;

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

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

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

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

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

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

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

(l) Grant to any person, firm, association, or municipality, franchises for public utilities and public services to be furnished the municipality and those in the municipality. The power to grant franchises embraces the power to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer, except as provided in Tennessee Code Annotated, Section 65-4-107(b). The board may prescribe, in each grant of a franchise, the rates, fares, charges, and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may, by their terms, apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys, and thoroughfares that may be opened after the grant of the franchise;

(m) Make contracts with any person, firm, association, or corporation for public utilities and public services to be furnished the municipality and those in the municipality. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association, or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may, by their terms, apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then-existing streets, alleys, and thoroughfares and to any other streets, alleys, and other thoroughfares, that may be opened after the grant of the contract;

(n) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services, Nothing in this subdivision (n) shall be construed to permit the alteration or impairment of any of the

terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (l) and (m);

(o) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under Tennessee Code Annotated, Sections 7-31-107 - 7-31-111 and 29-16-203, or any other matter provided by general laws;

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

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

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

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

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

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

(v) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property, and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or

welfare of the inhabitants of the municipality, and exercise general police powers;

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

(x) Inspect, test, measure, and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests, and measures in such manner as may be provided pursuant to Tennessee Code Annotated, title 47, chapter 26, part 9;

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

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

(aa) Purchase or construct, maintain, and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with Tennessee Code Annotated, Sections 40-24-104 and 40-24-105, or through contempt proceedings in accordance with general law;

(bb)

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

(2) Provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in Tennessee code Annotated, title 16, chapter 18, part 3;

(cc) Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers, and teachers required therefor, and fix their compensation, purchase, or otherwise acquire land for, or assess a fee for use of, or impact upon, schoolhouses, playgrounds, and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain, and operate a complete educational system within the municipality;

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

(ee) Call elections as provided in this charter;

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

(gg) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to Tennessee Code Annotated, title 13, chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body. [As replaced by Priv. Acts 2018, ch. 49, § 2]

SECTION 5. BE IT FURTHER ENACTED, That elections in the City of Grand Junction shall be nonpartisan and will be conducted at the regular state election held in November of even-numbered years. At the regular election to be held in November 2018, the candidate for Mayor receiving the highest number of votes for Mayor shall be elected for a term of four (4) years or until a successor is elected and qualified.

At the regular election to be held in November 2018, the three (3) candidates for Alderman receiving the highest number of votes shall be elected for a term of four (4) years or until their successors are elected and qualified, the three (3) candidates for Alderman receiving the next highest number of votes shall be elected for a term of two (2) years or until their successors are elected and qualified. At the election to be held in November 2020, the three (3) candidates for Alderman receiving the highest number of votes shall be elected for a term of four (4) years or until their successors are elected and qualified.

After the election in November 2020, all Alderman terms shall be four (4) years. The Mayor and Aldermen shall assume office at the first regular meeting of the Board in December following their election.

The election shall be called and held by the Board of Election Commissioners of Hardeman County as other general elections are held, and all of the laws applicable to general elections shall apply thereto. [As replaced by Priv. Acts 2018, ch. 49, § 3]

SECTION 6. BE IT FURTHER ENACTED, That giving or promising to any person or persons any office, employment, money benefit, or anything of

value, by or on behalf of any candidate, shall be deemed to be a violation of Tennessee Code Annotated 2-2212, and any person convicted thereof shall be ineligible to hold an office or position of employment in the city government for a period of five years.

SECTION 7. BE IT FURTHER ENACTED, That:

(a) The mayor and six aldermen elected under this Charter and the incumbent aldermen, until the expiration of their current terms of office, shall compose the Board of Aldermen, in which is vested all corporate, legislative and other powers of the City, except as otherwise provided in this Charter.

(b) The compensation of the Mayor and Aldermen shall be set by ordinance at least one hundred twenty (120) days prior to the municipal election. The salary of the Mayor and any Alderman shall not be changed during their term of office. The Mayor and Aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The Board shall meet regularly the first Monday of each month at the City Hall. The board shall meet in special session on written notice of the mayor or any 3 aldermen and served on the other members of the Board personally at least 12 hours in advance of the meeting. Only the business stated in the written call may be transacted at a special meeting. Informal meetings of the Board may be held for the purpose of receiving information, exchanging ideas, and conducting investigations; however, there shall be no official action taken by the Board in such meetings. The Board shall exercise its powers only in public meetings.

(d) A majority of the Board shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers. [As amended by Priv. Acts 1978, ch. 316; and Priv. Acts 2013, ch. 19, § 1]

SECTION 8. BE IT FURTHER ENACTED, That the mayor shall preside at meetings of the Board, and shall have a vote on all matters but no veto power. He shall be recognized as the ceremonial head of the City. He shall be the officer to accept process against the City, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 9. BE IT FURTHER ENACTED, That the Board, at the first regular meeting after the newly elected aldermen have taken office following each quadrennial election, shall elect from its membership a vice-mayor for a term of four years. The vice-mayor shall perform the duties of the mayor during his absence or inability to act.

SECTION 10. BE IT FURTHER ENACTED, That a vacancy shall exist if the mayor or an alderman resigns, dies, moves his residence from the city, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of ninety (90) days so as to prevent him from discharging the duties of his office. The Board shall, by resolution, declare a vacancy to exist for any of these reasons, and such finding shall be final.

Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the City for a period of ten (10) years thereafter.

The remaining aldermen shall appoint a qualified person to fill a vacancy in the office of alderman or mayor for that period of the unexpired term, which occurs prior to a regular city election, at which time the remainder of the term shall be filled by the election.

If a vacancy in the office of alderman is not so filled within thirty (30) days, the mayor shall appoint a qualified person to fill the vacancy. [As replaced by Priv. Acts 2018, ch. 49, § 4]

SECTION 11. BE IT FURTHER ENACTED, That the Board shall act in all matters as a body, and no member shall seek individually to influence the official acts of the mayor or any other officer or employee of the City, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by the mayor or any other officer or employee. The Board shall deal with the various agencies, officers and employees of the City, except boards or commissions authorized by this Charter, solely through the mayor, and shall not give orders to any subordinates of the mayor, either publicly or privately. Nothing herein contained shall prevent the Board from conducting such inquiries into the operation of the city government and the conduct of the City's affairs as it may deem necessary. The office of any alderman violating any provision of this Section shall immediately become vacant upon his conviction in a court of competent jurisdiction.

SECTION 12. BE IT FURTHER ENACTED, That the Board by resolution shall designate a newspaper of general circulation in the City as the official city newspaper for publication of official notices of the City.

SECTION 13. BE IT FURTHER ENACTED, That:

(a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the City, or required to be done by

ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions of the Board may be accomplished by resolutions or motions.

Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the Board in advance of the meeting at which they are introduced. The enacting clause of ordinances shall be "Be it ordained by the Mayor and Board of Aldermen of the City of Grand Junction:".

No action of the board shall be valid or binding unless approved by the affirmative vote by a majority of the members present, if a quorum is present. Any ordinance that repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or amended.

Every ordinance except an emergency ordinance must be approved two (2) times, not less than one (1) week apart, and shall become effective after final approval unless its terms provide a later effective date. To meet a public emergency affecting life, health, or property, an emergency ordinance may be approved twice on separate days and become effective immediately, by the affirmative votes of five (5) members of the Board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

Each resolution shall become effective when adopted unless its terms provide otherwise.

(b) The Board shall have the general and continuing ordinances of the City assembled into an official code of the City, a copy of which shall be kept currently up to date by the city recorder and shall be available to the public. After adoption of the official code, all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section 2, may be adopted by ordinances that contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the Board may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city recorder. [As amended by Priv. Acts 2013, ch. 19, § 2, and replaced by Priv. Acts 2018, ch. 49, § 5]

SECTION 14. BE IT FURTHER ENACTED, That taxes and other city revenues are levied and collected for public purposes, and the use of such funds as donations or contributions to nongovernmental agencies or for private purposes is prohibited, but the Board may contract with nongovernmental agencies for materials and services necessary to effectuate public purposes authorized by law.

SECTION 15. BE IT FURTHER ENACTED, That the city government shall be organized into such departments as the mayor and Board of Aldermen may provide by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the City, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the City, subject to the following limitations:

(a) The number of members and authority of the Board, as provided in this Charter, shall not be changed,

(b) All officers and employees of the city shall be appointed by the mayor, subject to the approval of the Board of Aldermen at the next regular meeting. The Mayor and Board of Aldermen by a majority vote may terminate, demote, suspend or remove officers and employees of the city for reasonable cause, and the officers and employees of the city shall serve at the will and pleasure of the Board of Aldermen. Except as provided in this section for termination, demotion, suspension or removal, all officers and employees of the city shall be under the direction and control of the Mayor.

(c) The office of mayor shall not be abolished, nor shall his powers, as provided in this Charter, be reduced. [As amended by Priv. Acts 1988, ch. 153, § 1]

SECTION 16. BE IT FURTHER ENACTED, That the mayor shall be the executive head of the city government, responsible for the efficient and orderly administration of the affairs of the City. He shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the City, and the city attorney shall take such legal actions as the mayor may direct for such purposes. He may conduct inquiries and investigations into the affairs of the City and shall have such other powers and duties as may be provided by ordinance not inconsistent with this Charter.

SECTION 17. BE IT FURTHER ENACTED, That the mayor shall appoint, with approval of the Board, a city recorder who shall have the following powers and duties:

(a) To keep and preserve the city seal and all official records not required by law or ordinance to be filed elsewhere.

(b) To attend all meetings of the Board and to maintain a journal showing the proceedings of all such meetings, the aldermen present and absent, each motion considered, the title of each resolution and ordinance considered, and the vote of each alderman on each question. This journal shall be open to the public during regular office hours of the City, subject to reasonable restrictions exercised by the city recorder.

(c) To prepare and certify copies of official records in his office. Fees for such services may be established by ordinance, to be deposited into the city treasury.

(d) To serve as head of the department of finance if appointed to this position by the mayor.

(e) To perform such other duties as may be required by the Board or by the mayor.

SECTION 18. BE IT FURTHER ENACTED, That the Board may appoint a city attorney, either on a full or part-time basis or may hire an attorney for any specific city business.

SECTION 19. City court and city judge.

(a) A city court is created to be presided over by a city judge. The board shall appoint the city judge. The city judge must meet the qualifications established by the board by ordinance.

(b) In the absence or disability of the city judge, the mayor may appoint a qualified person to serve as city judge until the next meeting of the board, at which the mayor's appointment may be approved or at which the board may appoint another qualified person to serve until the city judge returns.

(c) The city judge may impose fines for ordinance violations and may also impose costs and forfeitures. The judge may preserve and enforce order in the court and enforce the collection of all fines, costs, and forfeitures imposed.

(d) Fines and costs may be paid by installment in a manner provided by ordinance. The city judge may forgive, with or without condition, fines and costs imposed for an ordinance violation. The city judge shall make a monthly report to the board of all fines, costs, and litigation taxes collected, and transmit these revenues to the municipal treasury. [As replaced by Priv. Acts 2013, ch. 19, § 3]

SECTION 20. BE IT FURTHER ENACTED, That only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled. Salaries for all positions shall be in accordance with a pay plan adopted by ordinance. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

SECTION 21. BE IT FURTHER ENACTED, That the appointment and promotion of employees of the City shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. [As amended by Priv. Acts 1988, ch. 153, § 2]

SECTION 22. BE IT FURTHER ENACTED, That before a person takes any office in the city government, they shall subscribe to the following oath or affirmation, administered by the city recorder or anyone authorized to administer oaths in the State of Tennessee:

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of _____, and that I will faithfully discharge the duties of the office of _____ ." [As amended by Priv. Acts 2018, ch. 49, § 6]

SECTION 23. BE IT FURTHER ENACTED, That the mayor and every officer, agent, and employee of the City having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by Board, shall give a fidelity bond or faithful performance bond, as determined by Board with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by Board. All such bonds and sureties thereto shall be subject to approval by the Board. The cost of such bonds shall be paid by the City. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

SECTION 24. BE IT FURTHER ENACTED, That no employee of the City shall continue in the employment of the City after becoming a candidate for nomination or election to any public office, but this provision shall not apply to the mayor, alderman, members of Boards or Commissions, the city attorney, or other officers of the City. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the city government. No person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the City in connection with any city election. An officer or employee of the City, other than the mayor or a board member, shall not make any contribution to the campaign funds of any candidate in any city election. Any person who by himself or with others willfully or corruptly violates any provision of this Section shall be guilty of a misdemeanor, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the city government for a period of five years thereafter.

SECTION 25. BE IT FURTHER ENACTED, That any city officer or employee who has a substantial financial interest, direct or indirect by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City, shall make known that interest and shall refrain from voting upon or otherwise participating as a city officer or employee in the making of such a contract or sale. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City Board.

SECTION 26. BE IT FURTHER ENACTED, That the fiscal year of the city government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year, unless otherwise provided by ordinance.

SECTION 27. BE IT FURTHER ENACTED, That not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the board a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) Revenue and expenditures during the preceding year,
- (b) Estimated revenue and expenditures for the current fiscal year,
- (c) Estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue,
- (d) A comparative statement of the cash surplus (or deficit) at the end of the preceding year and the estimated surplus (or deficit) at the end of the current fiscal year, and
- (e) Any other information and data, such as work programs and unit costs, in justification or recommended expenditures that may be considered necessary by the mayor or requested by the Board. The mayor may recommend and estimate receipts from additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. A sufficient number of copies of the mayor's message shall be reproduced to furnish a copy of any person desiring one. A copy of the budget in full shall be filed with the city treasurer and city recorder for public inspection and a copy shall be furnished to each alderman.

SECTION 28. BE IT FURTHER ENACTED, That a capital improvement budget may also be prepared to include a description of projects recommended for the ensuing fiscal year and the five fiscal years thereafter, the estimated cost of each project, and the recommendations of the mayor for financing the projects proposed for the ensuing year. The capital improvement budget shall be prepared by or reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the mayor to the Board concurrently with the annual budget. The council may accept, reject or revise the capital improvement budget as it deems desirable.

SECTION 29. BE IT FURTHER ENACTED, That after receiving the mayor's proposed budget, the Board shall fix a time and place for a public hearing thereon, and shall cause a public notice thereof and an announcement of where and when the full budget may be examined to be published two times in the official city newspaper, the last such publication to be at least 10 days in advance of the date of the hearing. The public hearing shall be held before the council at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard.

SECTION 30. BE IT FURTHER ENACTED, That after the public hearing and before the beginning of the ensuing fiscal year the Board shall adopt an appropriation ordinance, based on the mayor's proposed budget with such modifications as the board considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The Board shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city declared by a vote of all members of Board. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this Section. Amendments may be made to the original appropriation ordinance at any time during a year only after the mayor certifies in writing that a sufficient amount of unappropriated revenue will be available. Any portion of an annual budget remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be subject to appropriation for the following year. Any balance remaining in any fund other than the general fund at the end of a fiscal year may remain to the credit of such fund and be subject to further appropriation. At the end of each month the mayor shall submit to the Board a budget report showing revenue receipts, encumbrances and expenditures for that month and for the fiscal year to the end of that month.

SECTION 31. BE IT FURTHER ENACTED, That the mayor shall be responsible for controlling expenditures of the various agencies of the city

government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

SECTION 32. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto; and, ordinances or resolutions and purchasing procedures approved by the governing body. The purchasing agent, or designated representative, as provided by ordinance, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body. [As replaced by Priv. Acts 2013, ch. 19, § 4]

SECTION 33. BE IT FURTHER ENACTED, That any contract or agreement made in violation of the provisions of this Charter or ordinances of the City shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the City for the full amount so paid or received. A violation of this Section by any officer or employee shall be cause for his removal.

SECTION 34. That the mayor may sell city personal property which is obsolete, surplus or unusable by sealed bids or at public auction, as provided by ordinance; provided, however, that any sale for more than five hundred dollars (\$500.00) or any sale of real estate shall be subject to approval by the Board. The mayor may sell any item valued at less than fifty dollars (\$50.00) without taking bids, but each such sale shall be reported to the Board at its next meeting. [As replaced by Priv. Acts 2013, ch. 19, § 5]

SECTION 35. BE IT FURTHER ENACTED, That within 30 days after the beginning of each fiscal year the council shall employ an independent, certified public accountant to make an audit of all financial records of the City for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include determination of legality of transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. The audit shall be completed and a report, including a summary for publication, shall be submitted to council within 90 days after end of the fiscal year.

SECTION 36. BE IT FURTHER ENACTED, That each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five per cent of the amount of the bid. Before any contract is awarded the contractor shall give a bond for the faithful

performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to 100 per cent of the contract price. The council may waive these requirements for contracts under fifty thousand dollars (\$50,000). [As amended by Priv. Acts 2013, ch. 19, § 6]

SECTION 37. BE IT FURTHER ENACTED, That all property subject to taxation shall be subject to the property tax levied by the City. The Board may elect to use county assessments or may appoint a city assessor to assess all property subject to taxation except property assessed by the State Public Service Commission. If assessments are made by a city assessor, the Board by ordinance shall provide for a City Board of equalization and the procedure for appeals of assessments thereto.

SECTION 38. BE IT FURTHER ENACTED, That if county assessments are used the City shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the City.

SECTION 39. BE IT FURTHER ENACTED, That the Board shall make a tax levy, expressed as a fixed rate per \$100 of assessed valuation, not later than 90 days prior to the tax due date. In event of the board's failure to do so, the prior year's tax rate shall continue in effect.

SECTION 40. BE IT FURTHER ENACTED, That the due dates of property taxes shall be fixed by ordinance and provision may be made for equal semiannual installments. The City shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty, or interest thereon. Property taxes shall become delinquent 30 days after a due date, at which time a penalty of five per cent shall be added and thereafter such taxes shall be subject to interest at the rate of one-half of one percent for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a court of record.

SECTION 41. BE IT FURTHER ENACTED, That the Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the mayor for the sale of goods and chattels to be executed by any police officer of the City under the laws governing execution of such process from a justice of the peace; or by the county trustee as provided by general law; or by the city attorney acting in accordance with general laws providing for the collection of delinquent city or county taxes; by garnishment; by suits in chancery; or by any two or more of the foregoing methods, or by the use of any

other available legal processes and remedies. If not otherwise collected, the city attorney, or other attorney designated by the Board, shall file suit for collection of all delinquent taxes not later than 18 months following date of delinquency.

SECTION 42. BE IT FURTHER ENACTED, That the City may contract with the County for the collection of city taxes. The contract may provide for reasonable fees to be paid to the County for this service.

SECTION 43. BE IT FURTHER ENACTED, That no officer or employee of the City shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the City, but errors may be corrected when authorized by the Board.

SECTION 44. BE IT FURTHER ENACTED, That all disbursements except for any agency of the City administered by a Board or Commission, shall be made by checks signed by the city treasurer. The council may by resolution designate other officers to sign such checks in the absence or disability of the treasurer.

SECTION 45. BE IT FURTHER ENACTED, That the Board shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the Board.

SECTION 46. BE IT FURTHER ENACTED, That the financial records of the City shall be established and maintained in general conformity with the accounts and procedures recommended by the Municipal Finance Officers Association or other nationally recognized authority on municipal accounting.

SECTION 47. BE IT FURTHER ENACTED, That the council may borrow money in anticipation of taxes, for payment of current and necessary expenses, which shall be repaid in the same fiscal year.

SECTION 48. BE IT FURTHER ENACTED, That in addition to other powers granted in this Charter, the City Board shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the exercise of any power or function which the City is authorized to undertake by this Charter.

SECTION 49. BE IT FURTHER ENACTED, That the City Board may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action. The parties to such a contract or cooperative action, or any of them, may acquire, by

gift or purchase, or by the power of eminent domain exercised by one or more of the parties, the lands, buildings, and other property necessary or useful for the purposes of the contract or cooperative action, either within or without the corporate limits of one or more of the contracting parties, and shall have the power to hold or acquire such property jointly. The City may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

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

SECTION 50. BE IT FURTHER ENACTED, That all public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this Article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

SECTION 51. BE IT FURTHER ENACTED, That all money received pursuant to any such contract or cooperative action, under the provisions of this Article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of such contract or cooperative action.

SECTION 52. BE IT FURTHER ENACTED, That notwithstanding any provision of this Charter, the City Board may elect to operate under or adopt any general law or public act available to municipalities of the state, in lieu of or in addition to provisions of this Charter.

SECTION 53. BE IT FURTHER ENACTED, That the violation of any provision of this Charter, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor, and persons guilty of such violations shall be fined not more than \$50. Any person failing to pay a fine and costs shall be committed to the workhouse to work out the fine and costs at the rate of \$2 per day.

SECTION 54. BE IT FURTHER ENACTED, That Chapter 276, Private Acts of 1901; Chapter 491, Private Acts of 1931; and, all other acts and laws in conflict with this Act, be and the same hereby are repealed in their entirety.

SECTION 55. BE IT FURTHER ENACTED, That if any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

SECTION 56. BE IT FURTHER ENACTED, That to be applicable as the Charter of the City of Grand Junction this Act must be approved by a two-thirds vote of the governing body, said vote to be taken not less than 60 nor more than 120 days after passage of this Act. The mayor shall, within 10 days thereafter, certify to the Secretary of State the results of said vote.

SECTION 57. BE IT FURTHER ENACTED, That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: April 14, 1969

William L. Jenkins,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Frank C. Gorrell,
SPEAKER OF THE SENATE

APPROVED: April 18, 1969

Buford Ellington,
GOVERNOR

This is to certify that according to the official records in this office House Bill No. 297, which is Chapter 75 of the Private Acts of 1969, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

JOE C. CARR
Secretary of State

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF
GRAND JUNCTION, TENNESSEE

YEAR	CHAPTER	SUBJECT
1969	75	Basic charter act.
1978	316	Amended § 7, compensation of mayor and aldermen.
1988	153	Amended § 15, city government organized into departments, and § 21, appointment and promotion of employees.
2013	19	Amended § 7(b), compensation of mayor and aldermen, and § 13(a), ordinances and resolutions. Replaced § 19, city court and city judge; § 32, purchases; and § 34, sell of obsolete property. Amended § 36, contract bid.
2018	49	Replaced § 3, corporate boundaries; § 4, city powers; § 5, elections; § 10, mayor or alderman vacancy; and § 13, ordinance and resolutions. Amended § 22, oath of office.