

CHARTER FOR THE CITY OF SWEETWATER, TENNESSEE¹

ORDINANCE NO. 718

AN ORDINANCE TO AMEND IN ITS ENTIRETY THE CHARTER OF THE CITY OF SWEETWATER, TENNESSEE, AND PROVIDE FOR THE SUBMISSION OF THAT AMENDMENT IN REFERENDUM TO THE CITIZENS OF SWEETWATER, TENNESSEE.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF SWEETWATER, TENNESSEE, THAT:

SECTION 1. In accordance with Article XI, Section 9, of the Consitution of the State of Tennessee, the City of Sweetwater, which is a home rule municipality, proposes to amend the Charter of the City of Sweetwater in its entirety as follows and which shall be submitted to the qualified voters of the City of Sweetwater in a referendum to be held on November 7, 2000.

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¹Ordinance No. 718, July 11, 2000, provides the City of Sweetwater with the comprehensive new "home rule" charter which is set out herein and current through 2012. The table of contents is unofficial.

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ARTICLE I

CHARTER, CORPORATE EXISTENCE, BOUNDARIES

Section 1. Complete charter. All private acts constituting the charter of the City of Sweetwater are hereby amended so that the complete charter of the city shall be as contained herein.

Section 2. Corporate existence. The City of Sweetwater is continued as a municipal corporation under the Constitution and laws of the State of Tennessee.

Section 3. Boundaries. The corporation boundaries of the City of Sweetwater shall be the same as presently considered and established by Chapter 409, Private Acts of 1953 and any annexations under Chapter 113, Public Acts of 1955.

ARTICLE II

CORPORATE POWERS

Section 1. General Powers. The city board shall have the management and control of the city finances and all property of the corporation, real, personal and mixed, and shall have the power by ordinance to:

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

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

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

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

(6) Issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality in accordance with state law;

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

(8) 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;

(9) 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 state law;

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

(11) Acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities and telecommunications systems or any estate or interest therein, or any other utility or service to the municipality, its inhabitants or any part thereof; and further, may issue debt for

these purposes under the Local Government Public Obligations Act or other pertinent state law;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of time to be fixed by the city board but not to exceed twenty (20) years. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The powers 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 (20) 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, may also apply to any or all subsequent modifications to the corporate limits, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and telecommunications systems, compel reasonable extensions of facilities for these services, and assess fees for the use of, or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) 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 or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions provided by the general laws of the state;

(16) 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 and without 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, state law;

(17) Assess against abutting property within and without the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) 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 inside and outside the municipality;

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

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

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

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the

health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) 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;

(24) 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;

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

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

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

(28)

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

(B) No fine, forfeiture or penalty may exceed five hundred dollars (\$500.00) or the maximum allowable under general state law, whichever is greater, for violation of municipal ordinances;

(29) Establish, maintain and operate a complete educational system within the municipality, establish and determine the membership of a board of education and endow that board with all authority to operate the school system pursuant to state statute and this charter, review annually the operating budget of the school system and appropriate revenue to support the approved budget,

purchase or otherwise acquire land for school buildings, playgrounds and other purposes necessary to the operation of the school system, purchase or erect all buildings, and do all other acts necessary for the establishment of such educational system;

(30) 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;

(31) Call elections as herein provided;

(32) By ordinance, assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula is prescribed by ordinance; and

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

ARTICLE III

ELECTIONS

Section 1. Date of general city election. A non-partisan general city election shall be held on the second Thursday in June of every odd numbered year.

Section 2. General election laws apply. All elections shall be conducted by the commissioners of elections of Monroe County in accordance with the general election laws of the state and this charter.

Section 3. Voter qualification requirements. Persons meeting the residency requirements prescribed by the election laws of the State of Tennessee and who are actual residents of the city shall be eligible to vote in city elections, provided the person is properly registered in accordance with the applicable laws of the State of Tennessee.

Section 4. Recall. Recall shall be effected in the following manner:

(A) A petition may be circulated to recall an elected official from office. No such petition shall be circulated until after the official has served two (2) full years in office. The petition shall contain a general statement of the grounds

upon which removal is sought. The petition shall be filed with the County election commission, and when determined to be valid by the County election commission, notice shall be given of such filing by a publication thereof in a newspaper of general circulation on at least two (2) occasions. To be valid, which validity shall be determined by the County election commission, the petition shall contain the signatures of qualified voters equal in number to at least thirty (30) percent of the total votes cast in the last regular election for the office from which the recall of the official is sought. All signatures on the petition need not be appended to one (1) paper but each signer shall add to the signature the address by which he/she is qualified to vote and the date on which the petition is signed. One of the signers of each paper shall make oath before an officer authorized to administer oaths that the statements made therein are true as he/she believes and that each signature is genuine.

(B) Within fifteen (15) days of filing, the County election commission shall examine the petition and ascertain whether it is signed by the required number of qualified voters and shall attach to the petition their certificates showing the results of the examination. If the petition is found insufficient, it may be amended within ten (10) days from the date of the certificate. The County election commission shall reexamine an amended petition within fifteen (15) days of resubmission, and, if certified insufficient, the petition shall be returned to the person filing it.

(C) If the County election commission certifies the petition to be sufficient, it shall at once fix a date for holding the election of recall not less than forty-five (45) days nor more than sixty (60) days from the date of the certificate. The County election commission shall publish notice, make all other necessary arrangements, and bill the City for the expenses of the election as it does for all other City elections.

(D) In a recall election, the following questions shall be presented to each qualified voter: "Shall _____ (name of officer) be recalled and removed from the office of _____ (name of office)?" "Yes __," "No __."

(E) If the majority of the voters vote "no," the incumbent shall remain in office. If a majority of the voters vote "yes," the incumbent shall be deemed recalled and removed from office upon certification of the true results by the County election commission. In cases where the incumbent is recalled, the Mayor and Board of Commissioners shall act to fill the vacancy for the remainder of the recalled official's term as elsewhere provided in this Charter for the filling of vacancies. [As amended by Ord. #745, May 2002]

ARTICLE IV

MAYOR AND BOARD OF COMMISSIONERS

Section 1. Governing body. The governing body of the city shall consist of the mayor and five commissioners, to be known officially as the mayor and board of commissioners and referred to in this charter as "board".

Section 2. Election of vice-mayor. The board, at the first regular meeting in July, following the general city election in every odd numbered year, shall elect a commissioner as vice-mayor to carry out the duties of mayor in his/her absence, for a term of two (2) years. If the office of mayor shall become vacant, the vice-mayor shall automatically become mayor for the remainder of the unexpired term; and in the latter event, the mayor and board of commissioners shall elect another commissioner to the office of vice-mayor to serve during the remainder of the unexpired term. The board shall, in accordance with the provisions of Section 7 of this article, fill the vacancy in the board created by the vice-mayor becoming mayor.

Section 3. Qualifications for office. The mayor and commission members shall be qualified voters of the city and at least twenty-one (21) years of age. No other person shall be eligible for the office of mayor or commission member unless he shall have been a resident of the City of Sweetwater for at least one (1) year preceding his election. Candidates shall be permitted to file a nominating petition for only one office in any general city election. No person shall become mayor or commission member who has been convicted of malfeasance in office. Nor shall any incumbent elected City office holder whose term is not otherwise lawfully expiring be allowed to qualify to seek election to another elected city office except he/she shall first resign from the office for which he/she is the incumbent at least thirty days prior to the qualifying deadline for the other office he/she wishes to qualify for, and in the event of such a resignation by an incumbent office holder, the vacancy created by the resignation shall be subject to qualification for and election to fill the unexpired term of the vacancy at the immediate City general election for which the resignation was given. [As amended by Ord. #746, May 2002]

Section 4. Term of office. The mayor and commissioners shall be elected at large, and they shall take office at 12:00 noon July 1 following the election unless that date is on Sunday, in which event, they shall take office at 12:00 noon on July 2. They shall hold office for four years or until their successors are elected and qualified. It is the intent of this charter to continue the current pattern of staggered terms precisely.

Section 5. Oath. As a condition precedent to taking office, the mayor and each commissioner shall take the following oath before the recorder or some other official authorized to administer oaths: "I do solemnly swear that I will support the Constitution of the United States and of the State of Tennessee and the charter and ordinances of the City of Sweetwater, and that I will faithfully discharge the duties of the office to which I have been elected, and which I am about to assume".

Section 6. Salaries. The mayor and board of commissioners may set the annual salary of the mayor and board of commissioners by ordinance, but no ordinance establishing or increasing such salary shall become effective until the expiration of the current terms of the mayor and all commission members; provided, however, that until said salaries are so set the salary of the mayor shall be one hundred twenty-five (\$125) per month, and the salary of each commission member shall be one hundred dollars (\$100) per month. The mayor and board of commissioners shall adopt an ordinance or resolution authorizing and regulating the reimbursement of municipal officers and employees for the expenses they incur in the performance of the duties of their offices or employment. The mayor and commission members shall be entitled to reimbursement under the provisions of that ordinance or resolution.

Section 7. Vacancies. A vacancy shall exist, and the mayor and board of commissioners shall declare the same, by resolution, if the mayor or a commission member either resigns, dies, moves their 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 fails to attend three (3) consecutive meetings of the mayor and board of commissioners, except for reasons beyond their control, or without being excused by a majority vote of the mayor and board of commissioners present and voting. Abstentions shall be counted neither as a yes nor a no vote. No member of the mayor and board of commissioners can resign his/her position for the purpose of being appointed to a longer term on the board of mayor and commissioners. Any vacancy in the board of commissioners shall be filled by appointment made by the remaining members of the mayor and board of commissioners, and the commission member so appointed shall be a qualified resident of the City of Sweetwater and shall serve for the remainder of the unexpired term. In the event of the occurrence of any vacancy in the board of commissioners which may, under the provisions of this section, be filled by appointed by the remaining commission members, and such remaining commission members shall fail or neglect to fill such vacancy within thirty (30) days of its occurrence, it shall be the duty of the election commissioners of Monroe County, upon certification of such facts to them by the mayor or any commission member, to call and cause to be held, as hereinabove provided, a special election for the purpose of filling such vacancy for the remainder of the unexpired term, provided such certification be made to

the election commissioners for Monroe County within sufficient time to permit the holding of such special election at least one hundred eighty (180) days prior to the general city election.

ARTICLE V

LEGISLATIVE POWERS AND PROCEDURE

Section 1. Exercise of powers. The exercise of all powers granted in this charter or by general law is vested in the mayor and board of commissioners except as otherwise specifically provided. The board shall speak solely through its minute entries which shall be authenticated by the presiding officer, and the recorder, after reading and approval.

Section 2. Meetings. Regular meetings of the board shall be held at least once each month, but the board may provide by ordinance for as many other regular meetings as deemed necessary. The board shall fix by ordinance the date, time and place of regular meetings. Unless changed by ordinance regular meetings shall be held at 7:00 o'clock, P.M., on the first Monday in July following the election, and on the first Monday of each month thereafter at the same time. Regular meetings may be adjourned to any subsequent day. Lacking a quorum at any regular meeting, the same may be adjourned from day to day until a quorum is obtained. Whenever in their opinion, the welfare of the city demands it, the mayor or two commissioners may call a special meeting of the board by providing at least a forty-eight (48) hour notice to the other members of the board. The notice shall indicate in a general way the business to be considered and business not embraced in the call shall not be considered. All meetings shall be open to the public.

Section 3. Procedure. The mayor or vice-mayor shall preside at all meetings of the board, and in their absence the commissioners, constituting a quorum, may designate one of their number to act as presiding officer. Three commissioners shall constitute a quorum. Except as otherwise provided in this charter, the presiding officer shall have no vote except in the event of a tie. The board will follow the most current edition of Robert's Rules of Order where not inconsistent with this charter.

Section 4. Ordinance adoption--resolutions. Ordinances shall be passed in the following manner. Every proposed ordinance shall be in writing, with copies furnished in advance to the mayor and each commissioner. After adoption of a Code of Ordinances, each ordinance of a general and permanent nature shall be adopted as amending or adding a section or subsection of the Code. Each ordinance amending an existing ordinance, or section or subsection of the Code, shall state the section or subsection of the ordinance or Code as

amended in its entirety. Each ordinance shall be passed on two separate days at regular, adjourned or special meetings. However, at least fourteen (14) days shall have lapsed between the first and final passage of any ordinance. At the first meeting a brief summary shall be given of the proposed ordinance, and the meeting shall be open for questions and discussion of it. A reasonable number of written copies of ordinances shall be available to the public at the meetings and at city hall before the second and final passage by the board. Ordinances, resolutions and other measures of the board shall be passed by an affirmative vote of a majority of the board present and voting. Abstentions shall be counted neither as a yes nor a no vote. The record of how each commissioner or the mayor voted shall be spread on the minutes. A summary of the material provisions of the ordinance and a notice that the ordinance is on file in the recorder's office for anyone wishing to see it shall be published in a newspaper circulating in the city. The effective date of the ordinance may be at any time within ninety days of its final passage, but in no case shall it be effective until such summary and notice are published. After passage, each ordinance shall be authenticated by the mayor and recorder, or in their absence by two commissioners, and placed in an ordinance book. It shall not be necessary to copy the ordinance in the minutes, but reference to it shall be made in the minutes. A separate binder may also be provided for resolutions in which event they shall be authenticated as are ordinances, and their inclusion in the minutes dispensed within the same manner as ordinances.

Section 5. Form of action. Except as otherwise provided by general law, legislative action of the board shall be by ordinance or resolution. All action granting, renewing or extending public franchises; all legislation the violation of which will subject persons to fine, penalty or forfeiture; all legislation pursuant to the exercise of the police power; all action levying taxes or exacting fees; and all other action otherwise required to be by ordinance, shall be by ordinance. Any other action may be taken by resolution or by motion.

ARTICLE VI

FINANCE

Section 1. Fiscal year--budget preparation. The fiscal year shall be July 1 through June 30. It shall be the duty of the mayor to prepare a proposed budget for consideration by the board, to be submitted at least sixty days in advance of the beginning of the fiscal year. The budget shall reasonably inform the taxpayers of the city of all estimated receipts by source including any unincumbered cash balances which may be available, and of all estimated expenditures by purpose for which these receipts and funds are to be used during the coming fiscal year. Commissioners, other officers and employees of the city shall supply such information and assistance as the mayor may request.

Section 2. Capital program. The mayor shall prepare and submit to the board a five-year capital program at least three months prior to the final date for submission of the budget. The capital program shall include,

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

This above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 3. Budget--notice and public hearing. A public hearing on the budget shall be held not less than twenty days before the beginning of the fiscal year. Notice of the hearing shall be published once in a newspaper of general circulation in the city at least ten days prior to the date set for the hearing.

Section 4. Budget ordinance. The budget ordinance shall be finally adopted before the beginning of the fiscal year. Adoption of the budget ordinance shall be an appropriation of all proposed expenditures in the budget. The published summary shall show estimated receipts by source and appropriations by department or other major expenditure together with a notice that the entire budget is available for inspection at the recorder's office. Unless otherwise required by law or contract, the property tax shall be levied by a single rate and all receipts shall be credited to the general fund.

Section 5. Expenditures to be within appropriation--exception. No obligation shall be created or money spent to meet necessary expenditures in the current fiscal year until it shall have been determined that an appropriation has been made for that purpose and that there is unexpended in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure; provided, however, that the appropriation ordinance may be amended by giving ten (10) days published notice of a public hearing on the proposed amendment and after the public hearing enactment of an amendatory ordinance making the desired amendment. Appropriations shall lapse at the end of the fiscal year, and all unexpended funds shall be re-appropriated.

Section 6. Accounting. There shall be installed and maintained adequate accounting records in accordance with general accepted principles of municipal accounting. Annual and monthly financial statements shall be prepared and constant and comprehensive budgetary control shall be

maintained. The same account titles shall be used throughout the accounting records, the budget, and the financial statements.

Section 7. Disbursements. All disbursements shall be by check signed by the recorder and countersigned by the mayor. The recorder shall determine that each claim against the city is correct and due and shall approve each invoice for payment and shall prepare for the board a monthly detailed history of disbursements. The board may name substitute signators to sign disbursements in the absence of the recorder and/or mayor.

Section 8. Depositories. The board shall designate official depositories of city funds, and require such security as they deem necessary.

Section 9. Audit. An audit of the financial affairs of the city shall be made annually by a certified public accountant skilled in such work. Each audit shall cover the period extending back to the date of the last preceding audit. Any taxpayer may file a bill in chancery court to compel the board to have the audit made.

ARTICLE VII

ADMINISTRATIVE ORGANIZATION

Section 1. Organization by ordinance. The board shall by ordinance determine the administrative organization of the city not provided for in this chapter. All legislative and executive powers shall be vested in the mayor and board of commissioners, and shall be exercised as provided by ordinances not inconsistent with this charter.

Section 2. Delegation of control over utilities. The control and operation of any utility may be delegated to a board or boards, the membership, appointment, tenure, duties and salaries of members to be provided by ordinance; and this authority shall extend to any board of joint ventures with other political subdivisions of the State where by agreement the board shall be composed of members appointed by the governing body of the city and members appointed by the other political subdivision(s). Such agreement may be made irrevocable except by consent of the parties.

Section 3. Additional offices and positions of employment. In addition to the offices required by this charter, the board may create and fix the compensation of such offices and positions of employment as deemed necessary for the efficient operation of the city. The compensation of all officers and employees shall be in the form of fixed salaries or wages, and all fees collected shall be paid into the city treasury. All officers and employees who are

authorized to receive or to have custody of public funds shall have bond acceptable to and in an amount to be determined by the board. The cost of bonds of officers and employees may be made an expense of the city, and instead of individual bonds a blanket bond may be used. All department heads and employees not named in this charter shall serve at the will and pleasure of the board. The board shall adopt personnel rules and regulations to govern the hiring, discipline and dismissal of employees and define the other practices and procedures as necessary to the administration of a city personnel system. In adopting personnel rules and regulations, the board may delegate all or any part of its personnel authority.

A. CITY COURT

Section 1. City judge--appointment, salary. At the first meeting of the board after their election in June 2001, the board shall appoint a city judge, who shall constitute the city court, and shall serve at the will and pleasure of the board. He shall be a resident and taxpayer of the city and not less than 25 years of age, shall take the oath prescribed for the mayor and commissioners, and shall receive such compensation as may be fixed by ordinance. The recorder may be appointed to this office.

Section 2. Jurisdiction, powers. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city. He shall have power to issue all necessary process, to administer oaths, and to maintain order, including power to fine for contempt as provided by state law.

Section 3. Fines, forfeitures, and costs. Fines, forfeitures and costs may be paid by installments to be fixed and security determined as provided by ordinance. The board shall establish, by ordinance, the schedule of costs. The city judge shall receive no other compensation for the performance of his duties as city judge than the salary fixed by ordinance, and all fines, forfeitures, costs and other revenues of the court shall be paid into the treasury of the city. A monthly report of all revenues of the court shall be made to the board.

Section 4. Docket. The city judge shall keep or shall cause to be kept a docket of all cases handled by him.

Section 5. Separation of powers. The city judge shall be exclusive judge of the law and the facts in every case before him, and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

Section 6. Absence of judge. The mayor or someone appointed by him may act as city judge during the absence of the city judge.

B. RECORDER

Section 1. Appointment, term, compensation. At their first meeting following their election in June 2001 the board shall appoint a city recorder who shall serve at the will and pleasure of the board and shall receive such compensation as shall be fixed by ordinance.

Section 2. Finance. The immediate responsibility for the administration of all financial affairs of the city shall be that of the recorder. The recorder shall collect all taxes and receive all revenues, have custody of all funds, and make all disbursements. The board may authorize any boards operating a utility to receive revenues of and have custody of funds belonging to the utility, and to make all necessary and authorized disbursements. Utility reports may be either directly to the board or to the recorder to be incorporated with the other financial reports.

Section 3. Clerk. The recorder shall perform all clerical duties not delegated to another officer, shall act as clerk and secretary to and attend all meetings of the board, and shall have custody of all public records and official bonds. The board may by ordinance provide a schedule of fees which the recorder shall charge for official services to individuals not given to the public generally.

C. SCHOOLS

Section 1. Board of Education--term--compensation. There shall be a board of education consisting of five (5) members who shall be qualified voters of the City of Sweetwater. Members of the board of education shall be elected in the general city election held on the second Thursday in June of every odd numbered year. It is the intent of this charter to continue the current pattern of staggered terms precisely. The mayor and board of commissioners may set the annual salary of the members of the board of education by ordinance, but no ordinance establishing or increasing such salary shall become effective until the following July 1. However, until such salaries are so set, the members of the board of education from and after July 1, 2003, shall receive salaries for their services at the rate of \$50.00 per month, which salary shall remain in effect until modified by ordinance pursuant to Section 1 of the corporate charter. Vacancies on the board of education shall be filled for any unexpired term by the board of commissioners. [As amended by Ord. #758, June 2003]

Section 2. Organization. The board of education shall provide for its own organization and rules of procedure, and shall keep a record of all its proceedings.

Section 3. Powers. Except as provided in this Article, the board of education shall have exclusive control over the operation and maintenance of

the school system and school property. The schools shall at all times be operated and maintained so as to meet the requirements of State law provided for boards of education. The board of education shall submit its portion of the city budget to the mayor as provided in Article VI of this charter. Within the limitations of the city budget, the board of education and/or the director of schools shall have the power to employ teachers and such other employees as in its discretion is necessary for the efficient operation of the schools, to fix their compensation, and to make all other necessary expenditures.

Section 4. Director of schools. The board of education shall appoint a director of schools who shall be a person of education and experience, capable of performing the functions imposed upon directors of schools by State law. The term of office, compensation and other matters relating to the director shall be such as may be determined by contract of the board of education.

Section 5. School property. The board of education shall have authority to purchase, sell or transfer school property; provided, however, the purchase (with proceeds of city taxes), sale, or transfer of any real property or the erection of any permanent buildings shall be subject to the approval of the board of city; provided, further, that all bonded indebtedness or other borrowing shall be by action of the board upon recommendation of the board of education.

Section 6. Recorder to handle school funds. Receipts, custody and accounting for all school funds shall be the duty of the recorder, School funds shall be disbursed by the recorder only upon order signed by a person authorized by the board of education. In addition to the required financial reports going to the governing body, the recorder shall make such reports to the board of education as shall be required by that board. The recorder shall segregate school funds as required by law or ordinance.

D. CITY ATTORNEY

Section 1. Retainer. A city attorney shall be employed by the board.

E. ELECTRIC SYSTEM

Section 1. Adoption by reference. The provisions of Chapter 603, Private Acts of 1939, and any amendments thereof, are hereby incorporated herein by reference to the same extent as if they were set forth herein verbatim.

ARTICLE VIII

GENERAL PROVISIONS

Section 1. Competitive bidding and purchasing procedures. Purchasing and bidding procedures shall be established by ordinance in accordance with state law.

Section 2. Interpretation, constitutionality. In the interpretation of any portion of this charter, it is intended that the phraseology shall be liberally construed to effect the substantial object of the charter. If any section or part of this charter proved to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part.

Section 3. Gender. Whenever, in this charter, "man, men, him, his" or their related pronouns may appear, either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense (i.e., to include all humankind-both female and male sexes).

SECTION 2. This Charter and all sections thereof shall be effective sixty (60) days after the passage of this Charter.

SECTION 3. This ordinance shall be published in the Monroe County Advocate Democrat in its entirety.

SECTION 4. The City Attorney shall draft and submit to the Monroe County Election Commission appropriate wording for the question for the proposed charter amendment to be placed on the ballot at the general State election to held on November 7, 2000.

SECTION 5. This ordinance shall take effect from and after its passage the welfare of the City requiring it.

Passed on first reading April 3, 2000.

Passed on second reading May 1, 2000.

Passed on third and final reading July 11, 2000.

Mayor

City Recorder

Approved as to form _____
City Attorney